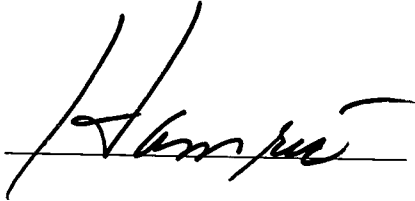


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Chief Clerk of the House

FILED FEB 22 2005

By:



H.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of barbers and cosmetologists by the Texas Board of Barbering and Cosmetology and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. TEXAS BOARD OF BARBERING AND COSMETOLOGY

SECTION 1.01. Title 9, Occupations Code, is amended by adding Chapter 1603 to read as follows:

CHAPTER 1603. TEXAS BOARD OF BARBERING AND COSMETOLOGY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1603.001. GENERAL DEFINITIONS. (a) In this chapter:

(1) "Board" means the Texas Board of Barbering and Cosmetology.

(2) "Executive director" means the executive director of the board.

(b) Unless the context clearly indicates otherwise, the definitions in Chapters 1601 and 1602 apply to this chapter.

Sec. 1603.002. APPLICATION OF SUNSET ACT. (a) The Texas Board of Barbering and Cosmetology is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter, Chapter 1601, and Chapter 1602 expire September 1, 2009.

(b) In the review of the board by the Sunset Advisory

1 Commission, as required by this section, the commission shall limit
2 its review to the appropriateness of recommendations made by the
3 commission to the 79th Legislature. In the Sunset Advisory
4 Commission's report to the 81st Legislature, the commission may
5 include any recommendation it considers appropriate.

6 [Sections 1603.003-1603.050 reserved for expansion]

7 SUBCHAPTER B. TEXAS BOARD OF BARBERING AND COSMETOLOGY

8 Sec. 1603.051. BOARD; MEMBERSHIP. (a) The Texas Board of
9 Barbering and Cosmetology consists of nine members appointed by the
10 governor as follows:

11 (1) three barber members, one of whom must be a Class A
12 barber certificate holder, one of whom must be a barbershop permit
13 holder, and one of whom must be a barber school permit holder;

14 (2) three cosmetologist members, one of whom must be
15 an operator license holder, one of whom must be a beauty or
16 specialty shop license holder, and one of whom must be a private
17 beauty culture school license holder; and

18 (3) three public members.

19 (b) Appointments to the board shall be made without regard
20 to the race, color, disability, sex, religion, age, or national
21 origin of the appointee.

22 Sec. 1603.052. MEMBER ELIGIBILITY. (a) To qualify as a
23 board member, a person must:

24 (1) be a United States citizen;

25 (2) be at least 25 years of age; and

26 (3) unless the person is a public member, have been
27 actively engaged in the field of barbering or cosmetology that is

1 the basis of the person's qualification for office under Section
2 1603.051 for not less than the five years preceding appointment.

3 (b) A person may not be a public member of the board if the
4 person or the person's spouse:

5 (1) is registered, certified, or licensed by a
6 regulatory agency in the field of barbering or cosmetology;

7 (2) is employed by or participates in the management
8 of a business entity or other organization regulated by or
9 receiving money from the board;

10 (3) owns or controls, directly or indirectly, more
11 than a 10 percent interest in a business entity or other
12 organization regulated by or receiving money from the board; or

13 (4) uses or receives a substantial amount of tangible
14 goods, services, or money from the board, other than compensation
15 or reimbursement authorized by law for board membership,
16 attendance, or expenses.

17 (c) An operator license holder is not eligible for
18 appointment as a board member if the license holder has a direct or
19 indirect affiliation with or a financial or other interest in a
20 private beauty culture school or beauty shop.

21 (d) A beauty shop license holder is not eligible for
22 appointment as a board member if the license holder has a direct or
23 indirect affiliation with or a financial or other interest in a
24 private beauty culture school.

25 (e) A private beauty culture school license holder is not
26 eligible for appointment as a board member if the license holder has
27 a direct or indirect affiliation with or a financial or other

1 interest in a beauty shop.

2 Sec. 1603.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)

3 In this section, "Texas trade association" means a cooperative and
4 voluntarily joined statewide association of business or
5 professional competitors in this state designed to assist its
6 members and its industry or profession in dealing with mutual
7 business or professional problems and in promoting their common
8 interest.

9 (b) A person may not be a member of the board and may not be a
10 board employee employed in a "bona fide executive, administrative,
11 or professional capacity," as that phrase is used for purposes of
12 establishing an exemption to the overtime provisions of the federal
13 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.),
14 if:

15 (1) the person is an officer, employee, or paid
16 consultant of a Texas trade association in the field of barbering or
17 cosmetology; or

18 (2) the person's spouse is an officer, manager, or paid
19 consultant of a Texas trade association in the field of barbering or
20 cosmetology.

21 (c) A person may not be a member of the board or act as the
22 general counsel to the board if the person is required to register
23 as a lobbyist under Chapter 305, Government Code, because of the
24 person's activities for compensation on behalf of a profession
25 related to the operation of the board.

26 Sec. 1603.054. TERMS; VACANCY. (a) Board members serve
27 staggered six-year terms, with three members' terms expiring on

1 February 1 of each odd-numbered year.

2 (b) If a vacancy occurs during a member's term, the governor
3 shall appoint a replacement to fill the unexpired term.

4 Sec. 1603.055. GROUNDS FOR REMOVAL. (a) It is a ground for
5 removal from the board that a member:

6 (1) does not have at the time of taking office the
7 qualifications required by Section 1603.051;

8 (2) does not maintain during service on the board the
9 qualifications required by Section 1603.051;

10 (3) is ineligible for membership under Section
11 1603.052 or 1603.053;

12 (4) cannot, because of illness or disability,
13 discharge the member's duties for a substantial part of the member's
14 term; or

15 (5) is absent from more than half of the regularly
16 scheduled board meetings that the member is eligible to attend
17 during a calendar year without an excuse approved by a majority
18 vote of the board.

19 (b) The validity of an action of the board is not affected by
20 the fact that it is taken when a ground for removal of a board member
21 exists.

22 (c) If the executive director has knowledge that a potential
23 ground for removal exists, the executive director shall notify the
24 presiding officer of the board of the potential ground. The
25 presiding officer shall then notify the governor and the attorney
26 general that a potential ground for removal exists. If the
27 potential ground for removal involves the presiding officer, the

1 executive director shall notify the next highest ranking officer of
2 the board, who shall then notify the governor and the attorney
3 general that a potential ground for removal exists.

4 Sec. 1603.056. PER DIEM; REIMBURSEMENT. (a) A board member
5 is entitled to the per diem set by the General Appropriations Act.

6 (b) A board member is entitled to reimbursement for travel
7 expenses in accordance with the General Appropriations Act.

8 (c) A board member who seeks reimbursement for expenses
9 shall present a sworn, complete itemized statement of the number of
10 days engaged in the board's business and the amount of expenses
11 incurred by the member.

12 Sec. 1603.057. PRESIDING OFFICER. The governor shall
13 designate a public member of the board as the presiding officer of
14 the board to serve in that capacity at the will of the governor.

15 Sec. 1603.058. MEETINGS. (a) The board shall meet at least
16 once each year.

17 (b) The board may meet at other times at the call of the
18 presiding officer or as provided by board rule.

19 Sec. 1603.059. BOARD MEMBER TRAINING. (a) A person who is
20 appointed to and qualifies for office as a member of the board may
21 not vote, deliberate, or be counted as a member in attendance at a
22 meeting of the board until the person completes a training program
23 that complies with this section.

24 (b) The training program must provide the person with
25 information regarding:

26 (1) this chapter, Chapters 1601 and 1602, and the
27 programs, functions, rules, and budget of the board;

1 (2) the results of the most recent formal audit of the
2 board;

3 (3) the requirements of laws relating to open
4 meetings, public information, administrative procedure, and
5 conflicts of interest; and

6 (4) any applicable ethics policies adopted by the
7 board or the Texas Ethics Commission.

8 (c) A person appointed to the board is entitled to
9 reimbursement, as provided by the General Appropriations Act, for
10 the travel expenses incurred in attending the training program
11 regardless of whether the attendance at the program occurs before
12 or after the person qualifies for office.

13 [Sections 1603.060-1603.100 reserved for expansion]

14 SUBCHAPTER C. EXECUTIVE DIRECTOR AND PERSONNEL

15 Sec. 1603.101. EXECUTIVE DIRECTOR. (a) The board shall
16 employ an executive director. The executive director is the
17 executive head of the board and performs its administrative duties.

18 (b) The board shall set the compensation of the executive
19 director.

20 Sec. 1603.102. PERSONNEL. The executive director may
21 employ personnel as necessary to implement this chapter.

22 Sec. 1603.103. DIVISION OF RESPONSIBILITIES. The board
23 shall develop and implement policies that clearly separate the
24 policy-making responsibilities of the board and the management
25 responsibilities of the executive director and the staff of the
26 board.

27 [Sections 1603.104-1603.150 reserved for expansion]

1 SUBCHAPTER D. BOARD POWERS AND DUTIES

2 Sec. 1603.151. RULES. The board shall adopt rules
3 consistent with this chapter for:

4 (1) the administration of this chapter and the
5 operation of the board; and

6 (2) the administration of Chapters 1601 and 1602.

7 Sec. 1603.152. FEES. The board shall adopt fees in amounts
8 that are reasonable and necessary to provide sufficient revenue to
9 administer the programs under the board's authority, including
10 application, examination, inspection, certificate, license,
11 permit, and renewal fees.

12 Sec. 1603.153. SANITATION RULES. The board shall establish
13 sanitation rules to prevent the spread of an infectious or
14 contagious disease.

15 Sec. 1603.154. RULES RESTRICTING ADVERTISING OR
16 COMPETITIVE BIDDING. (a) The board may not adopt rules restricting
17 advertising or competitive bidding by a person regulated by the
18 board except to prohibit false, misleading, or deceptive practices
19 by that person.

20 (b) The board may not include in its rules to prohibit
21 false, misleading, or deceptive practices by a person regulated by
22 the board a rule that:

23 (1) restricts the use of any advertising medium;

24 (2) restricts the person's personal appearance or the
25 use of the person's voice in an advertisement;

26 (3) relates to the size or duration of an
27 advertisement by the person; or

1 (4) restricts the use of a trade name in advertising by
2 the person.

3 Sec. 1603.155. INSPECTION OF SCHOOLS, SHOPS, AND FACILITIES
4 BEFORE OPERATION. (a) Until the board determines, by inspection,
5 that the person has established the school, shop, or facility in
6 compliance with this chapter, Chapter 1601, or Chapter 1602, a
7 person may not operate a school, shop, or other facility licensed or
8 permitted under this chapter, Chapter 1601, or Chapter 1602.

9 (b) A school, shop, or other facility that is not approved
10 by the board on initial inspection may be reinspected.

11 (c) The school, shop, or other facility shall pay for each
12 inspection.

13 Sec. 1603.156. PERIODIC AND RISK-BASED INSPECTIONS. (a)
14 The board may enter and inspect at any time during business hours:

15 (1) the place of business of any person regulated
16 under this chapter, Chapter 1601, or Chapter 1602; or

17 (2) any place in which the board has probable cause to
18 believe that a certificate, license, or permit holder is practicing
19 illegally.

20 (b) At least once every two years, the board shall inspect:

21 (1) the place of business of each permit holder under
22 Chapter 1601; and

23 (2) each facility licensed under Subchapter G, Chapter
24 1602.

25 (c) The board may inspect the premises of any person
26 regulated under this chapter, Chapter 1601, or Chapter 1602 to
27 investigate a complaint at any time during business hours on

1 receipt of a formal written complaint that the person has violated
2 this chapter, Chapter 1601, or Chapter 1602.

3 (d) The board shall set priorities for inspections based on
4 the risk of:

5 (1) a sanitation violation; and

6 (2) a new violation due to the person's inspection and
7 complaint history.

8 (e) If an inspector discovers a violation of this chapter,
9 Chapter 1601, Chapter 1602, or a board rule, the inspector shall:

10 (1) provide written notice of the violation to the
11 violation on a form prescribed by the board; and

12 (2) file a complaint with the executive director.

13 Sec. 1603.157. USE OF TECHNOLOGY. The board shall
14 implement a policy requiring the board to use appropriate
15 technological solutions to improve the board's ability to perform
16 its functions. The policy must ensure that the public is able to
17 interact with the board on the Internet.

18 Sec. 1603.158. NEGOTIATED RULEMAKING AND ALTERNATIVE
19 DISPUTE RESOLUTION PROCEDURES. (a) The board shall develop and
20 implement a policy to encourage the use of:

21 (1) negotiated rulemaking procedures under Chapter
22 2008, Government Code, for the adoption of board rules; and

23 (2) appropriate alternative dispute resolution
24 procedures under Chapter 2009, Government Code, to assist in the
25 resolution of internal and external disputes under the board's
26 jurisdiction.

27 (b) The board's procedures relating to alternative dispute

1 resolution must conform, to the extent possible, to any model
2 guidelines issued by the State Office of Administrative Hearings
3 for the use of alternative dispute resolution by state agencies.

4 (c) The board shall designate a trained person to:

5 (1) coordinate the implementation of the policy
6 adopted under Subsection (a);

7 (2) serve as a resource for any training needed to
8 implement the procedures for negotiated rulemaking or alternative
9 dispute resolution; and

10 (3) collect data concerning the effectiveness of
11 those procedures, as implemented by the board.

12 Sec. 1603.159. RETENTION OF STUDENT RECORDS. The board may
13 not retain student records, including student transcripts, beyond
14 the time required by state law.

15 Sec. 1603.160. COMMITTEES. The board may appoint
16 committees that it considers necessary to carry out its duties.

17 [Sections 1603.161-1603.200 reserved for expansion]

18 SUBCHAPTER E. PUBLIC PARTICIPATION AND COMPLAINT PROCEDURES

19 Sec. 1603.201. PUBLIC INTEREST INFORMATION AND
20 PARTICIPATION. (a) The board shall develop and implement policies
21 that provide the public with a reasonable opportunity to appear
22 before the board and to speak on any issue under the jurisdiction of
23 the board.

24 (b) The board shall prepare information of public interest
25 describing the functions of the board. The board shall make the
26 information available to the public and appropriate state agencies.

27 (c) The board by rule shall establish methods by which

1 consumers and service recipients are notified of the name, mailing
2 address, and telephone number of the board for the purpose of
3 directing complaints to the board. The board may provide for that
4 notice:

5 (1) on each registration form, application, or written
6 contract for services of a person regulated under this chapter,
7 Chapter 1601, or Chapter 1602;

8 (2) on a sign prominently displayed in the place of
9 business of each person regulated under this chapter, Chapter 1601,
10 or Chapter 1602; or

11 (3) in a bill for service provided by a person
12 regulated under this chapter, Chapter 1601, or Chapter 1602.

13 Sec. 1603.202. COMPLAINT PROCEDURES. (a) The board shall
14 adopt a comprehensive procedure for receiving and adjudicating
15 complaints from consumers and service recipients. The procedures
16 must address each phase of the complaint process, including
17 complaint intake, preliminary evaluation, investigation,
18 adjudication, penalties, and public disclosure.

19 (b) The board shall maintain a system to promptly and
20 efficiently act on complaints filed with the board. The board shall
21 maintain:

22 (1) information about the parties to the complaint and
23 the subject matter of the complaint;

24 (2) a summary of the results of the review or
25 investigation of the complaint; and

26 (3) information about the disposition of the
27 complaint.

1 (c) The board shall make information available describing
2 its procedures for complaint investigation and resolution.

3 (d) The board shall periodically notify the parties of the
4 status of the complaint until final disposition of the complaint.

5 (e) If the board determines that it lacks jurisdiction to
6 resolve the complaint, the board shall notify the complainant in
7 writing that the board is closing the complaint because it lacks
8 jurisdiction.

9 Sec. 1603.203. ANALYSIS OF COMPLAINTS AND VIOLATIONS. (a)
10 The board shall develop and maintain a system to analyze the
11 processing, sources, and types of complaints filed with the board
12 and the types of violations that occur under this chapter, Chapter
13 1601, and Chapter 1602.

14 (b) Based on the information under Subsection (a), the board
15 shall analyze trends in violations and complaints that may require
16 further attention or technical assistance to help reduce the
17 frequency of those complaints and violations.

18 (c) The board shall annually compile a statistical analysis
19 of the complaints filed and violations occurring during the
20 preceding year, including:

21 (1) the number of complaints filed;

22 (2) a categorization of complaints filed according to
23 the basis of the complaint and the number of complaints in each
24 category;

25 (3) the number of complaints filed by board staff;

26 (4) the number of complaints filed by persons other
27 than board staff;

1 (5) the number of complaints filed over which the
2 board lacks jurisdiction;

3 (6) the average length of time required to close a
4 complaint or violation from the time the board receives the
5 complaint or otherwise initiates an investigation of a possible
6 violation until the complaint or violation is resolved by a final
7 order or penalty;

8 (7) the number of complaints resolved and the manner
9 in which they were resolved, including:

10 (A) the number of complaints dismissed and the
11 reasons for dismissal; and

12 (B) the number of complaints resulting in
13 disciplinary action and the type of disciplinary action taken; and

14 (8) the number of complaints filed that are
15 unresolved, the number of those complaints filed by board staff,
16 the number of those complaints filed by persons other than board
17 staff, and the average length of time that the unresolved
18 complaints have been on file.

19 Sec. 1603.204. INFORMAL SETTLEMENT CONFERENCE. The board
20 shall establish guidelines for an informal settlement conference
21 related to a complaint filed with the board.

22 [Sections 1603.205-1603.250 reserved for expansion]

23 SUBCHAPTER F. CERTIFICATE, LICENSE, AND PERMIT REQUIREMENTS

24 Sec. 1603.251. APPLICATION FORM; TIMING. (a) An
25 application for a certificate, license, or permit must be made on a
26 form prescribed and provided by the board.

27 (b) An application for an operator license, instructor

1 license, manicurist license, or facialist specialty license must be
2 filed with the board not later than the 10th day before the date set
3 for the applicable examination.

4 Sec. 1603.252. DUPLICATE CERTIFICATE, LICENSE, OR PERMIT.

5 The board shall issue a duplicate certificate, license, or permit
6 to an applicant who:

7 (1) submits an application for a duplicate
8 certificate, license, or permit to the board; and

9 (2) pays the required fee.

10 Sec. 1603.253. PROVISIONAL CERTIFICATE OR LICENSE. (a)

11 The board may issue a provisional certificate or license to an
12 applicant currently licensed in another jurisdiction who seeks a
13 certificate or license in this state and who:

14 (1) has been licensed in good standing in the
15 profession for which the person seeks the certificate or license
16 for at least two years in another jurisdiction, including a foreign
17 country, that has requirements substantially equivalent to the
18 requirements of this chapter, Chapter 1601, or Chapter 1602, as
19 appropriate; and

20 (2) has passed a national or other examination
21 recognized by the board relating to the practice of that
22 profession.

23 (b) A provisional certificate or license is valid until the
24 date the board approves or denies the provisional certificate or
25 license holder's application. The board shall issue a certificate
26 or license to the provisional certificate or license holder if:

27 (1) the provisional certificate or license holder is

1 eligible to hold a certificate or license under Chapter 1601 or
2 Chapter 1602; or

3 (2) the provisional certificate or license holder
4 passes the part of the examination under Chapter 1601 or Chapter
5 1602 that relates to the applicant's knowledge and understanding of
6 the laws and rules relating to the practice of the profession in
7 this state and:

8 (A) the board verifies that the provisional
9 certificate or license holder meets the academic and experience
10 requirements for the certificate or license; and

11 (B) the provisional certificate or license
12 holder satisfies any other certificate or license requirements.

13 (c) The board must approve or deny a provisional certificate
14 or license holder's application for a certificate or license not
15 later than the 180th day after the date the provisional certificate
16 or license is issued. The board may extend the 180-day period if
17 the results of an examination have not been received by the board
18 before the end of that period.

19 Sec. 1603.254. RECIPROCAL CERTIFICATE, LICENSE, OR PERMIT.

20 (a) A person who holds a license, certificate, or permit to
21 practice barbering or cosmetology from another state or country
22 that has standards or work experience requirements that are
23 substantially equivalent to the requirements of this chapter,
24 Chapter 1601, or Chapter 1602 may apply for a license, certificate,
25 or permit to perform the same acts of barbering or cosmetology in
26 this state that the person practiced in the other state or country.

27 (b) The person must:

1 (1) submit an application for the license,
2 certificate, or permit to the board; and

3 (2) pay fees in an amount prescribed by the board,
4 including any applicable license, certificate, or permit fee.

5 (c) A person issued a license, certificate, or permit under
6 this section:

7 (1) may perform the acts of barbering or cosmetology
8 stated on the license, certificate, or permit; and

9 (2) is subject to the renewal procedures and fees
10 provided in this chapter, Chapter 1601, or Chapter 1602 for the
11 performance of those acts of barbering or cosmetology.

12 [Sections 1603.255-1603.300 reserved for expansion]

13 SUBCHAPTER G. EXAMINATION REQUIREMENTS

14 Sec. 1603.301. WRITTEN EXAMINATION. The board shall select
15 a written examination for each examination required under this
16 chapter, Chapter 1601, or Chapter 1602. The written examination
17 must be:

18 (1) validated by an independent testing professional;
19 or

20 (2) purchased from a national testing service.

21 Sec. 1603.302. EXAMINATION APPLICATION FOR BARBERS. An
22 applicant for an examination for a certificate or license issued
23 under Chapter 1601 must submit to the board a sworn application on a
24 form prescribed and provided by the board accompanied by:

25 (1) two photographs of the applicant, one of which
26 accompanies the application and one of which is to be returned to
27 the applicant to be presented at the examination; and

1 (2) the appropriate examination fee.

2 Sec. 1603.303. EXAMINATION FREQUENCY. (a) The board shall
3 examine applicants for a Class A barber certificate and a teacher's
4 certificate at least four times annually, at times and places
5 designated by the board.

6 (b) The board shall administer examinations for
7 certificates and licenses issued under Chapter 1602 beginning the
8 first day of each month. If the first day of the month is a legal
9 holiday, the examination shall begin on the following day.

10 Sec. 1603.304. LOCATION OF EXAMINATION. (a) The board
11 shall announce the site of an examination for a certificate or
12 license issued under Chapter 1602 not later than six months before
13 the scheduled examination date.

14 (b) The board may not administer an examination in a board
15 member's school.

16 (c) An examination may not be held at a barber school or
17 barbershop owned, managed, or operated by a board member.

18 Sec. 1603.305. EARLY EXAMINATION. (a) The board, on
19 written request by a student, may provide for the early written
20 examination of an applicant for a Class A barber certificate, a
21 teacher's certificate, or an operator license who has completed at
22 least 1,000 hours of instruction in a board-approved training
23 program.

24 (b) A board inspector may administer an examination under
25 this section at barber schools or beauty culture schools throughout
26 the state.

27 Sec. 1603.306. EXAMINATION RESULTS. (a) The board shall

1 notify each examinee of the results of the examination not later
2 than the 30th day after the date an examination is administered. If
3 an examination is graded or reviewed by a national testing service,
4 the board shall notify each examinee of the results of the
5 examination not later than the 14th day after the date the board
6 receives the results from the testing service.

7 (b) If the notice of examination results graded or reviewed
8 by a national testing service will be delayed for longer than 90
9 days after the examination date, the board shall notify each
10 examinee of the reason for the delay before the 90th day.

11 (c) If requested in writing by a person who fails the
12 examination, the board shall provide to the person an analysis of
13 the person's performance on the examination.

14 [Sections 1603.307-1603.350 reserved for expansion]

15 SUBCHAPTER H. CERTIFICATE, LICENSE, AND PERMIT RENEWAL

16 Sec. 1603.351. CERTIFICATE, LICENSE, AND PERMIT EXPIRATION
17 AND RENEWAL. (a) A person who is otherwise eligible to renew a
18 certificate, license, or permit may renew the unexpired
19 certificate, license, or permit by paying the required renewal fee
20 to the board before the expiration date of the certificate,
21 license, or permit. A person whose certificate, license, or permit
22 has expired may not engage in activities that require a
23 certificate, license, or permit until the certificate, license, or
24 permit has been renewed.

25 (b) A person whose certificate, license, or permit has been
26 expired for 90 days or less may renew the certificate, license, or
27 permit by paying to the board a renewal fee that is equal to 1-1/2

1 times the normally required renewal fee.

2 (c) A person whose certificate, license, or permit has been
3 expired for more than 90 days but less than one year may renew the
4 certificate, license, or permit by paying to the board a renewal fee
5 that is equal to two times the normally required renewal fee.

6 (d) A person whose certificate, license, or permit has been
7 expired for one year or more may not renew the certificate, license,
8 or permit. The person may obtain a new certificate, license, or
9 permit by complying with the requirements and procedures, including
10 the examination requirements, for obtaining an original
11 certificate, license, or permit.

12 Sec. 1603.352. RENEWAL OF EXPIRED CERTIFICATE, LICENSE, OR
13 PERMIT BY OUT-OF-STATE PRACTITIONER. A person who held a
14 certificate, license, or permit in this state, moved to another
15 state, and is currently licensed and has been in practice in the
16 other state for the two years preceding the date of application may
17 obtain a new certificate, license, or permit without reexamination.
18 The person must pay to the board a fee that is equal to two times the
19 normally required renewal fee for the certificate, license, or
20 permit.

21 Sec. 1603.353. NOTICE OF CERTIFICATE, LICENSE, OR PERMIT
22 EXPIRATION. Not later than the 30th day before the date a person's
23 certificate, license, or permit is scheduled to expire, the board
24 shall send written notice of the impending expiration to the person
25 at the person's last known address according to the records of the
26 board.

27 Sec. 1603.354. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE

1 PENALTY. The board may deny a person's request to renew a
2 certificate, license, or permit issued under this chapter, Chapter
3 1601, or Chapter 1602 if the person has not paid an administrative
4 penalty imposed under Subchapter K. This section does not apply if:

5 (1) the person's time to pay or request a hearing has
6 not expired under Section 1603.504;

7 (2) the person has requested a hearing under Section
8 1603.504, but the person's time to pay has not expired under Section
9 1603.507; or

10 (3) the penalty is stayed.

11 [Sections 1603.355-1603.400 reserved for expansion]

12 SUBCHAPTER I. PRACTICE PROVISIONS APPLICABLE TO

13 CHAPTERS 1601 AND 1602

14 Sec. 1603.401. MINIMUM CURRICULUM FOR SCHOOLS. The board
15 shall prescribe the minimum curriculum, including the subjects and
16 the number of hours in each subject, taught by a school licensed
17 under this chapter, Chapter 1601, or Chapter 1602, including a
18 private beauty culture school or a vocational cosmetology program
19 in a public school.

20 [Sections 1603.402-1603.450 reserved for expansion]

21 SUBCHAPTER J. DENIAL AND DISCIPLINARY PROCEDURES

22 Sec. 1603.451. DENIAL, SUSPENSION, OR REVOCATION. The
23 board shall deny an application for issuance or renewal of, or shall
24 suspend or revoke, a certificate, license, or permit if the
25 applicant or person holding the certificate, license, or permit:

26 (1) engages in gross malpractice;

27 (2) knowingly continues to practice while having an

1 infectious or contagious disease;

2 (3) knowingly makes a false or deceptive statement in
3 advertising;

4 (4) advertises, practices, or attempts to practice
5 under another person's name or trade name;

6 (5) engages in fraud or deceit in obtaining a
7 certificate, license, or permit; or

8 (6) engages in an act that violates this chapter,
9 Chapter 1601, or Chapter 1602 or a board rule or order.

10 Sec. 1603.452. PROBATION. (a) The board may place on
11 probation a person whose certificate, license, or permit is
12 suspended. If a suspension is probated, the board may require the
13 person to:

14 (1) report regularly to the board on matters that are
15 the basis of the probation;

16 (2) limit practice to the areas prescribed by the
17 board; or

18 (3) continue or review professional education until
19 the person attains a degree of skill satisfactory to the board in
20 those areas that are the basis of the probation.

21 (b) The board by rule shall adopt clear probation standards
22 and procedures, including procedures for:

23 (1) imposing appropriate probation requirements;

24 (2) notifying persons on probation of probation
25 requirements and the actions necessary to meet the requirements;
26 and

27 (3) tracking the progress of persons on probation.

1 Sec. 1603.453. ADMINISTRATIVE PROCEDURE. A hearing or an
2 appeal from a hearing under this subchapter is subject to Chapter
3 2001, Government Code.

4 [Sections 1603.454-1603.500 reserved for expansion]

5 SUBCHAPTER K. ADMINISTRATIVE PENALTIES

6 Sec. 1603.501. IMPOSITION OF PENALTY. The board may impose
7 an administrative penalty on a person regulated under this chapter,
8 Chapter 1601, or Chapter 1602 who violates one of those chapters or
9 a board rule or order.

10 Sec. 1603.502. AMOUNT OF PENALTY. (a) The amount of the
11 administrative penalty may not exceed \$1,000 for each violation.
12 Each day a violation continues or occurs is a separate violation for
13 purposes of imposing a penalty.

14 (b) The amount of the penalty shall be based on:

15 (1) the seriousness of the violation, including:

16 (A) the nature, circumstance, extent, and
17 gravity of any prohibited act; and

18 (B) the hazard or potential hazard created to the
19 health, safety, or economic welfare of the public;

20 (2) the economic harm to property or the environment
21 caused by the violation;

22 (3) the history of previous violations;

23 (4) the amount necessary to deter a future violation;

24 (5) efforts made to correct the violation; and

25 (6) any other matter that justice may require.

26 Sec. 1603.503. REPORT AND NOTICE OF VIOLATION AND PENALTY.

27 (a) If the executive director determines that a violation has

1 (A) paying the penalty to the court for placement
2 in an escrow account; or

3 (B) giving to the court a supersedeas bond
4 approved by the court for the amount of the penalty that is
5 effective until all judicial review of the board's order is final;
6 or

7 (2) request the court to stay enforcement of the
8 penalty by:

9 (A) filing with the court a sworn affidavit of
10 the person stating that the person is financially unable to pay the
11 penalty and is financially unable to give the supersedeas bond; and

12 (B) giving a copy of the affidavit to the
13 executive director by certified mail.

14 (c) If the executive director receives a copy of an
15 affidavit under Subsection (b)(2), the executive director may file
16 with the court a contest to the affidavit not later than the fifth
17 day after the date the copy is received.

18 (d) The court shall hold a hearing on the facts alleged in
19 the affidavit as soon as practicable and shall stay the enforcement
20 of the penalty on finding that the alleged facts are true. The
21 person who files an affidavit has the burden of proving that the
22 person is financially unable to pay the penalty and to give a
23 supersedeas bond.

24 Sec. 1603.508. COLLECTION OF PENALTY. If the person on whom
25 the administrative penalty is imposed does not pay the penalty and
26 the enforcement of the penalty is not stayed, the executive
27 director may refer the matter to the attorney general for

1 collection of the penalty.

2 Sec. 1603.509. DECISION BY COURT. (a) If the court
3 sustains the finding that a violation occurred, the court may
4 uphold or reduce the amount of the administrative penalty and order
5 the person to pay the full or reduced amount of the penalty.

6 (b) If the court does not sustain the finding that a
7 violation occurred, the court shall order that a penalty is not
8 owed.

9 Sec. 1603.510. REMITTANCE OF PENALTY AND INTEREST. (a) If,
10 after judicial review, the administrative penalty is reduced or not
11 imposed by the court, the court shall, after the judgment becomes
12 final:

13 (1) order that the appropriate amount, plus accrued
14 interest, be remitted to the person if the person paid the penalty;
15 or

16 (2) order the release of the bond if the penalty is not
17 imposed or order the release of the bond after the person pays the
18 penalty if the person posted a supersedeas bond.

19 (b) The interest paid under Subsection (a)(1) is the rate
20 charged on loans to depository institutions by the New York Federal
21 Reserve Bank. The interest shall be paid for the period beginning
22 on the date the penalty is paid and ending on the date the penalty is
23 remitted.

24 Sec. 1603.511. ADMINISTRATIVE PROCEDURE. A proceeding
25 under this subchapter to impose an administrative penalty is a
26 contested case under Chapter 2001, Government Code.

27 [Sections 1603.512-1603.550 reserved for expansion]

1 SUBCHAPTER L. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

2 Sec. 1603.551. INJUNCTIVE RELIEF. (a) The board may bring
3 an action in a district court in Travis County to enjoin a person
4 from violating this chapter, Chapter 1601, Chapter 1602, or a board
5 rule.

6 (b) If a certificate, license, or permit holder commits a
7 violation of one of those chapters or a board rule and the violation
8 poses a serious threat to the public health, the board shall
9 initiate a suit for injunction and proceedings for suspension or
10 revocation of the certificate, license, or permit.

11 (c) In seeking an injunction under this section, the board
12 is not required to allege or prove:

13 (1) that an adequate remedy at law does not exist; or

14 (2) that substantial or irreparable damage would
15 result from the continued violation.

16 Sec. 1603.552. CIVIL PENALTY. (a) A barber, barber school,
17 or private beauty culture school that violates this chapter,
18 Chapter 1601, Chapter 1602, or a board rule is liable for a civil
19 penalty in addition to any injunctive relief or other remedy
20 provided by law.

21 (b) The amount of the civil penalty for a barber may not
22 exceed \$25 a day for each violation.

23 (c) The amount of the civil penalty for a barber school or
24 private beauty culture school may not exceed \$1,000 a day for each
25 violation.

26 (d) The attorney general may sue to collect the civil
27 penalty.

1 Sec. 1603.553. APPEAL BOND NOT REQUIRED. The board is not
2 required to give an appeal bond in a cause arising under this
3 chapter, Chapter 1601, or Chapter 1602.

4 Sec. 1603.554. ENFORCEMENT BY ATTORNEY GENERAL. The
5 attorney general shall represent the board in an action to enforce
6 this chapter, Chapter 1601, or Chapter 1602.

7 [Sections 1603.555-1603.600 reserved for expansion]

8 SUBCHAPTER M. BUSINESS IMPROVEMENT PLAN

9 Sec. 1603.601. BUSINESS IMPROVEMENT PLAN. (a) The board
10 shall adopt and implement a business improvement plan.

11 (b) The plan must demonstrate a commitment to and result in
12 significant improvement in:

13 (1) the elimination of any backlogs in inspection and
14 enforcement, including resolution of complaints and pending
15 enforcement cases; and

16 (2) the implementation of:

17 (A) legislation passed affecting the board;

18 (B) management recommendations by the Sunset
19 Advisory Commission; and

20 (C) recommendations of the State Auditor's
21 Office.

22 Sec. 1603.602. QUARTERLY REPORTS. (a) Not later than
23 December 1, 2005, the board shall provide to the Sunset Advisory
24 Commission and state auditor an initial assessment report regarding
25 the implementation of the business improvement plan. Additional
26 reports are due each quarter, beginning March 1, 2006.

27 (b) The board shall prepare the reports in a format

1 specified by the Sunset Advisory Commission and shall include in
2 the reports specific information demonstrating the progress made by
3 the board in implementing the goals and objectives of the business
4 improvement plan.

5 Sec. 1603.603. MANAGEMENT AUDIT. Not later than September
6 1, 2006, the state auditor shall conduct a management audit of the
7 board and deliver the audit report to the governor, the lieutenant
8 governor, the speaker of the house of representatives, and the
9 Sunset Advisory Commission. The audit report may include any
10 matter related to the management audit, but must include an
11 evaluation of:

12 (1) the board's business improvement plan, including
13 implementation of the plan; and

14 (2) compliance with the recommendations of the state
15 auditor and Sunset Advisory Commission.

16 Sec. 1603.604. EXPIRATION. This subchapter expires June 1,
17 2009.

18 ARTICLE 2. REGULATION OF BARBERING

19 SECTION 2.01. Section 1601.001(a)(3), Occupations Code, is
20 amended to read as follows:

21 (3) "Board" means the Texas [~~State~~] Board of Barbering
22 and Cosmetology [~~Barber Examiners~~].

23 SECTION 2.02. Section 1601.003, Occupations Code, is
24 amended to read as follows:

25 Sec. 1601.003. APPLICATION OF CHAPTER. This chapter does
26 not apply to a person who:

27 (1) does not represent or advertise to the public

1 directly or indirectly that the person is authorized by the board to
2 practice barbering; and

3 (2) is:

4 (A) a physician or registered nurse licensed in
5 this state and operating within the scope of the person's license;

6 (B) a commissioned or authorized medical or
7 surgical officer of the United States armed forces;

8 (C) a person regulated under Chapter 1602, if the
9 person practices within the scope of a permit, license, or
10 certificate issued by the board under that chapter [~~Texas~~
11 ~~Cosmetology Commission~~]; or

12 (D) an inmate in the institutional division of
13 the Texas Department of Criminal Justice who performs barbering
14 during the person's incarceration.

15 SECTION 2.03. Section 1601.253(b), Occupations Code, is
16 amended to read as follows:

17 (b) The board shall issue a Class A barber certificate to an
18 applicant who:

19 (1) complies with the application requirements of this
20 chapter;

21 (2) passes the examination with an average grade of at
22 least 75 percent;

23 (3) pays the required [a] fee [~~not to exceed \$100~~]; and

24 (4) possesses the other qualifications required by
25 this chapter.

26 SECTION 2.04. Sections 1601.254(a) and (c), Occupations
27 Code, are amended to read as follows:

1 (a) An applicant for a teacher's certificate must:

2 (1) be a Class A barber;

3 (2) have at least five years' experience as a
4 practicing barber in a barbershop, two years of which occurred in
5 the two years preceding the application date; and

6 (3) submit the required [~~an~~] examination fee [~~not to~~
7 ~~exceed \$100~~] with the application.

8 (c) The board shall issue a teacher's certificate to an
9 applicant who:

10 (1) passes the appropriate examination; and

11 (2) pays the required [~~a~~] certificate fee [~~not to~~
12 ~~exceed~~].

13 [~~(A) \$100, if the applicant fulfills the~~
14 ~~certificate requirements during the period beginning November 1 of~~
15 ~~an odd-numbered year and extending through October 31 of the~~
16 ~~following year; or~~

17 [~~(B) \$50, if the applicant fulfills the~~
18 ~~certificate requirements during the period beginning November 1 of~~
19 ~~an even-numbered year and extending through October 31 of the~~
20 ~~following year~~].

21 SECTION 2.05. Sections 1601.256(b) and (d), Occupations
22 Code, are amended to read as follows:

23 (b) An applicant for a barber technician license must:

24 (1) be at least 16 years of age;

25 (2) have completed the seventh grade or the equivalent
26 of the seventh grade;

27 (3) have completed a course of instruction in a

board-approved training program consisting of not less than 300 hours in a period of not less than eight weeks; and

(4) submit the required [~~a \$10 administration~~] fee with the application.

(d) The board shall issue a barber technician license to an applicant who:

(1) possesses the qualifications described by Subsection (b);

(2) passes the appropriate examination;

(3) pays the required [~~a~~] license fee [~~not to exceed \$100~~]; and

(4) has not committed an act that is a ground for denial of a license.

SECTION 2.06. Sections 1601.257(b) and (c), Occupations Code, are amended to read as follows:

(b) An applicant for a manicurist license must:

(1) be at least 16 years of age;

(2) have completed the seventh grade or the equivalent of the seventh grade;

(3) have completed a board-approved training program consisting of 600 hours of instruction in manicuring; and

(4) submit the required [~~a \$10 administration~~] fee with the application.

(c) The board shall issue a manicurist license to an applicant who:

(1) possesses the qualifications described by Subsection (b);

1 (2) passes the appropriate examination;
2 (3) pays the required [a] license fee [~~not to exceed~~
3 ~~\$30~~]; and
4 (4) has not committed an act that is a ground for
5 denial of a license.

6 SECTION 2.07. Section 1601.260(a), Occupations Code, is
7 amended to read as follows:

8 (a) An applicant for a permit to be a student in a barber
9 school must:

10 (1) submit an enrollment application to the board in
11 the form prescribed by the board;

12 (2) have completed the seventh grade;

13 (3) satisfy other requirements specified by the board;
14 and

15 (4) submit with the application the required [a]
16 nonrefundable application fee [~~in an amount not to exceed \$25~~].

17 SECTION 2.08. Section 1601.302(a), Occupations Code, is
18 amended to read as follows:

19 (a) A person who opens a new barbershop shall submit, not
20 later than the third day after the date the shop opens, an
21 application to the board for a temporary barbershop permit
22 accompanied by the required [a] inspection fee [~~not to exceed~~
23 ~~\$70~~].

24 SECTION 2.09. Section 1601.304(b), Occupations Code, is
25 amended to read as follows:

26 (b) An applicant for a manicurist specialty shop permit must
27 submit:

1 (1) an application that includes:
2 (A) the shop's address;
3 (B) the legal description of the premises for
4 which the permit is sought; and
5 (C) any other information required by the board;
6 and
7 (2) the required ~~[an]~~ inspection fee ~~[in an amount not~~
8 ~~to exceed \$50]~~.

9 SECTION 2.10. Section 1601.305, Occupations Code, is
10 amended to read as follows:

11 Sec. 1601.305. ISSUANCE OF MANICURIST SPECIALTY SHOP
12 PERMIT. The board shall issue a permanent manicurist specialty
13 shop permit to an applicant if:

14 (1) the applicant holds a manicurist license; and
15 (2) the shop meets the minimum health standards for
16 manicurist specialty shops set by the board, as determined by a
17 board inspection under Section 1603.155, and any other requirements
18 imposed by board rule.

19 SECTION 2.11. Section 1601.309, Occupations Code, is
20 amended to read as follows:

21 Sec. 1601.309. PRACTICE BY COSMETOLOGIST AT SPECIALTY SHOP
22 PROHIBITED. A person who holds a license, permit, or certificate
23 issued by the board under Chapter 1602 ~~[Texas Cosmetology~~
24 ~~Commission]~~ may not practice under that authority at a specialty
25 shop regulated under this chapter.

26 SECTION 2.12. Section 1601.353(b), Occupations Code, is
27 amended to read as follows:

1 (b) An applicant for a barber school permit must submit to
2 the board:

3 (1) a detailed drawing and chart of the proposed
4 physical layout of the school, showing the departments, floor
5 space, equipment, lights, and outlets;

6 (2) photographs of the proposed site for the school,
7 including the interior and exterior of the building, rooms, and
8 departments;

9 (3) a detailed copy of the training program;

10 (4) a copy of the catalogue and promotional literature
11 of the school;

12 (5) a copy of the building lease or proposed building
13 lease if the building is not owned by the school;

14 (6) a sworn statement showing the ownership of the
15 school; and

16 (7) the required [a] permit fee [~~not to exceed~~
17 ~~\$1,000~~].

18 SECTION 2.13. Section 1601.402(c), Occupations Code, is
19 amended to read as follows:

20 (c) The board shall issue a renewal certificate or license
21 on receipt of a renewal application in the form prescribed by the
22 board, accompanied by a renewal fee in an amount equal to the
23 original certificate or license fee [~~but not to exceed \$100~~].

24 SECTION 2.14. The heading to Section 1601.404, Occupations
25 Code, is amended to read as follows:

26 Sec. 1601.404. [~~RENEWAL OR~~] REINSTATEMENT OF EXPIRED
27 CERTIFICATE OR LICENSE BY RETIREE.

1 SECTION 2.15. Section 1601.404(c), Occupations Code, is
2 amended to read as follows:

3 (c) A Class A barber or license holder who retires from
4 practice and whose certificate or license has been expired for more
5 than five years may qualify for a new certificate or license by
6 applying to the board and by:

7 (1) making a proper showing to the board, supported by
8 a personal affidavit;

9 (2) paying the required ~~[an]~~ examination fee ~~[not to~~
10 ~~exceed \$100]~~;

11 (3) passing a satisfactory examination conducted by
12 the board; and

13 (4) paying the fee for an original certificate or
14 license.

15 SECTION 2.16. Section 1601.405(b), Occupations Code, is
16 amended to read as follows:

17 (b) The board shall issue a renewal certificate or license
18 on application and payment of the required ~~[a]~~ renewal fee not later
19 than the 90th day after the date the person is released or
20 discharged from active duty in the armed forces. ~~[The renewal fee~~
21 ~~is:~~

22 ~~[(1) \$10 if the application and payment are made~~
23 ~~during the period beginning November 1 of an odd-numbered year and~~
24 ~~ending October 31 of the following year; or~~

25 ~~[(2) \$5 if the application and payment are made during~~
26 ~~the period beginning November 1 of an even-numbered year and ending~~
27 ~~October 31 of the following year.]~~

1 SECTION 2.17. Section 1601.406, Occupations Code, is
2 amended to read as follows:

3 Sec. 1601.406. RENEWAL OF BARBERSHOP OR SPECIALTY SHOP
4 PERMIT. (a) A barbershop permit or specialty shop permit expires
5 on the second anniversary of the date of issuance [~~on July 1 of each~~
6 ~~odd-numbered year~~].

7 (b) A barbershop permit holder may renew the permit by
8 paying the required [~~a~~] renewal fee [~~not to exceed \$70~~].

9 (c) A specialty shop permit holder may renew the permit by
10 submitting to the board a renewal application accompanied by the
11 required [~~a~~] renewal fee [~~not to exceed \$50~~].

12 SECTION 2.18. Section 1601.407, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.407. RENEWAL OF BARBER SCHOOL PERMIT. (a) A
15 barber school permit expires on the first anniversary [~~September 1~~]
16 of the date of issuance [~~each year~~].

17 (b) A barber school may renew its permit by paying the
18 required [~~a~~] renewal fee [~~not to exceed \$300~~].

19 SECTION 2.19. Section 1601.454, Occupations Code, is
20 amended to read as follows:

21 Sec. 1601.454. PRACTICE AT FACILITY LICENSED OR PERMITTED
22 AS BARBER AND COSMETOLOGIST FACILITY [~~BY BOARD AND TEXAS~~
23 ~~COSMETOLOGY COMMISSION~~]. (a) The board may not adopt rules to
24 restrict or prohibit practice by a Class A barber or manicurist in a
25 facility solely because the facility is licensed or permitted by
26 [~~both~~] the board under both this chapter and Chapter 1602 [~~and the~~
27 ~~Texas Cosmetology Commission~~].

1 (b) If a facility has a license or permit under both this
2 chapter and Chapter 1602 [~~the board and the Texas Cosmetology~~
3 ~~Commission license or permit the same facility~~], the board may not
4 adopt rules requiring separate treatment of the barbers and
5 cosmetologists practicing in the facility or of their customers,
6 including separate:

7 (1) work areas for barbers and cosmetologists;

8 (2) waiting areas for customers of the barbers and
9 cosmetologists; or

10 (3) restrooms for the barbers and cosmetologists
11 practicing in the facility or for their customers.

12 SECTION 2.20. Section 1601.502, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.502. SUPERVISION OF BARBERSHOP. A person may not
15 operate a barbershop unless:

16 (1) the shop is at all times under the exclusive
17 supervision and management of a Class A barber; and

18 (2) no person is practicing on the premises by
19 authority of a license, permit, or certificate issued by the board
20 under Chapter 1602 [~~Texas Cosmetology Commission~~], except as
21 allowed by other law.

22 SECTION 2.21. Sections 1601.561(a) and (b), Occupations
23 Code, are amended to read as follows:

24 (a) A barber school shall maintain [~~submit~~] a monthly
25 progress report [~~to the board~~] regarding each student attending the
26 school. The report must certify the daily attendance record of each
27 student and the number of credit hours earned by each student during

1 the previous month.

2 (b) On a student's completion of a prescribed course of
3 instruction, the school shall notify [~~certify to~~] the board that
4 the student has completed the required number of hours and is
5 eligible to take the appropriate examination.

6 ARTICLE 3. REGULATION OF COSMETOLOGY

7 SECTION 3.01. Section 1602.001(1), Occupations Code, is
8 amended to read as follows:

9 (1) "Board" [~~"Commission"~~] means the Texas Board of
10 Barbering and Cosmetology [~~Commission~~].

11 SECTION 3.02. The heading to Subchapter D, Chapter 1602,
12 Occupations Code, is amended to read as follows:

13 SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

14 SECTION 3.03. Sections 1602.153(a) and (b), Occupations
15 Code, are amended to read as follows:

16 (a) The board [~~commission~~] may request and, if necessary,
17 compel by subpoena:

18 (1) the attendance of a witness for examination under
19 oath; and

20 (2) the production for inspection and copying of
21 records and other evidence relevant to the investigation of an
22 alleged violation of this chapter.

23 (b) If a person fails to comply with a subpoena issued under
24 this section, the board [~~commission~~], acting through the attorney
25 general, may file suit to enforce the subpoena in a district court
26 in Travis County or in the county in which a hearing conducted by
27 the board [~~commission~~] may be held.

1 SECTION 3.04. Section 1602.251(c), Occupations Code, is
2 amended to read as follows:

3 (c) A person licensed by the board [~~commission~~] may practice
4 cosmetology only at a facility operated by a person holding a beauty
5 shop license, private beauty culture school license, or other
6 license issued by the board [~~commission~~].

7 SECTION 3.05. Section 1602.254(b), Occupations Code, is
8 amended to read as follows:

9 (b) To be eligible for an operator license, an applicant
10 must:

11 (1) be at least 17 years of age;

12 (2) have obtained a high school diploma or the
13 equivalent of a high school diploma or have passed a valid
14 examination administered by a certified testing agency that
15 measures the person's ability to benefit from training; and

16 (3) have completed:

17 (A) 1,500 hours of instruction in a licensed
18 beauty culture school; or

19 (B) 1,000 hours of instruction in beauty culture
20 courses and 500 hours of related high school courses prescribed by
21 the board [~~commission~~] in a vocational cosmetology program in a
22 public school.

23 SECTION 3.06. Sections 1602.255(b) and (c), Occupations
24 Code, are amended to read as follows:

25 (b) To be eligible for an instructor license, an applicant
26 must:

27 (1) be at least 18 years of age;

1 (2) have completed the 12th grade or its equivalent;
2 (3) hold an operator license; and
3 (4) have completed:
4 (A) a course consisting of 750 hours of
5 instruction in cosmetology courses and methods of teaching in:
6 (i) a licensed private beauty culture
7 school; or
8 (ii) a vocational training program of a
9 publicly financed postsecondary institution; or
10 (B) at least:
11 (i) two years of verifiable experience as a
12 licensed operator; and
13 (ii) 250 hours of instruction in
14 cosmetology in a board-approved [~~commission-approved~~] training
15 program.
16 (c) The board [~~commission~~] shall adopt rules for the
17 licensing of specialty instructors to teach specialty courses in
18 the practice of cosmetology defined in Sections 1602.002(7), (9),
19 and (10).

20 SECTION 3.07. Section 1602.256(b), Occupations Code, is
21 amended to read as follows:

22 (b) To be eligible for a manicurist license, an applicant
23 must:

24 (1) be at least 17 years of age;
25 (2) have obtained a high school diploma or the
26 equivalent of a high school diploma or have passed a valid
27 examination administered by a certified testing agency that

1 measures the person's ability to benefit from training; and
2 (3) have completed 600 hours of instruction in
3 manicuring through a board-approved [~~commission-approved~~] training
4 program.

5 SECTION 3.08. Section 1602.257(b), Occupations Code, is
6 amended to read as follows:

7 (b) To be eligible for a facialist specialty license, an
8 applicant must:

- 9 (1) be at least 17 years of age;
10 (2) have obtained a high school diploma or the
11 equivalent of a high school diploma or have passed a valid
12 examination administered by a certified testing agency that
13 measures the person's ability to benefit from training; and
14 (3) have completed 750 hours of instruction in
15 facialist specialty through a board-approved [~~commission-approved~~]
16 training program.

17 SECTION 3.09. Section 1602.258(b), Occupations Code, is
18 amended to read as follows:

19 (b) To be eligible for a specialty certificate, an applicant
20 must:

- 21 (1) be at least 17 years of age;
22 (2) have obtained a high school diploma or the
23 equivalent of a high school diploma or have passed a valid
24 examination administered by a certified testing agency that
25 measures the person's ability to benefit from training; and
26 (3) have the necessary requisites as determined by the
27 board [~~commission~~] in the particular specialty for which

1 certification is sought, including training through a
2 board-approved [~~commission-approved~~] training program.

3 SECTION 3.10. Section 1602.263(b), Occupations Code, is
4 amended to read as follows:

5 (b) The person shall:

6 (1) submit an application for the license or
7 certificate to the board [~~commission~~];

8 (2) pay a fee in an amount prescribed by the board
9 [~~commission~~]; and

10 (3) pay the applicable license or certificate fee.

11 SECTION 3.11. Section 1602.264(a), Occupations Code, is
12 amended to read as follows:

13 (a) The board [~~commission~~] shall issue a temporary license
14 to a person who:

15 (1) holds a license in another state or country;

16 (2) submits an application for a temporary license to
17 the board [~~commission~~]; and

18 (3) pays the required fee.

19 SECTION 3.12. Sections 1602.266(a) and (b), Occupations
20 Code, are amended to read as follows:

21 (a) The board [~~commission~~] shall require a student enrolled
22 in a school of cosmetology in this state to hold a permit stating
23 the student's name and the name of the school. The permit shall be
24 displayed in a reasonable manner at the school.

25 (b) The board [~~commission~~] shall issue a student permit to
26 an applicant who submits an application to the board [~~commission~~]
27 for a student permit accompanied by the required fee.

1 SECTION 3.13. Sections 1602.267(b) and (d), Occupations
2 Code, are amended to read as follows:

3 (b) The board [~~commission~~] shall issue a shampoo apprentice
4 permit to an applicant who[+]

5 [~~(1)~~] is at least 16 years of age[+and

6 [~~(2)~~ submits a certificate of health as required by
7 ~~Section 1602.253~~].

8 (d) The board [~~commission~~] shall adopt rules as necessary to
9 administer this section. The board [~~commission~~] may not require an
10 applicant to:

11 (1) complete any hours of instruction at a cosmetology
12 training program as a prerequisite for the issuance of a shampoo
13 apprentice permit; or

14 (2) pay a fee for a shampoo apprentice permit.

15 SECTION 3.14. Sections 1602.302(b) and (c), Occupations
16 Code, are amended to read as follows:

17 (b) An application for a beauty shop license must be
18 accompanied by the required inspection fee and:

19 (1) be on a form prescribed by the board [~~commission~~];

20 (2) contain proof of the particular requisites for a
21 beauty shop established by the board [~~commission~~]; and

22 (3) be verified by the applicant.

23 (c) The applicant is entitled to a beauty shop license if:

24 (1) the application complies with board [~~commission~~]
25 rules;

26 (2) the applicant pays the required license fee; and

27 (3) the applicant has not committed an act that

1 amended to read as follows:

2 (a) The holder of a private beauty culture school license
3 shall:

4 (1) maintain a sanitary establishment;

5 (2) maintain on its staff and on duty during business
6 hours one full-time licensed instructor for each 25 students in
7 attendance;

8 (3) maintain a daily record of students' attendance;

9 (4) establish regular class and instruction hours and
10 grades;

11 (5) require a school term of not less than nine months
12 and not less than 1,500 hours instruction for a complete course in
13 cosmetology;

14 (6) require a school term of not less than 600 hours
15 instruction for a complete course in manicuring;

16 (7) hold examinations before issuing diplomas;

17 (8) maintain a copy of the school's curriculum in a
18 conspicuous place and verify that the curriculum is being followed;

19 (9) publish in the school's catalogue and enrollment
20 contract a description of the refund policy required under Section
21 1602.458; and

22 (10) ~~[submit to the executive director the name of~~
23 ~~each student within 10 days after the date the student enrolls in~~
24 ~~the school and notify the executive director of the withdrawal or~~
25 ~~graduation of a student not later than the 10th day after the date~~
26 ~~the student withdraws or graduates; and~~

27 ~~[-(11)-]~~ provide the board ~~[commission]~~ with

1 information on:

2 (A) the current course completion rates of
3 students who attend a course of instruction offered by the school;
4 and

5 (B) job placement rates and employment rates of
6 students who complete the course of instruction.

7 SECTION 3.24. Section 1602.452, Occupations Code, is
8 amended to read as follows:

9 Sec. 1602.452. INFORMATION PROVIDED TO PROSPECTIVE
10 STUDENT. The holder of a private beauty culture school license
11 shall furnish each prospective student with:

- 12 (1) a course outline;
- 13 (2) a schedule of the tuition and other fees assessed;
- 14 (3) the refund policy required under Section 1602.458;
- 15 (4) the school grading policy and rules relating to
16 incomplete grades;
- 17 (5) the school rules of operation and conduct,
18 including rules relating to absences;
- 19 (6) the name, mailing address, and telephone number of
20 the board [~~commission~~] for the purpose of directing complaints to
21 the board [~~commission~~]; and
- 22 (7) the current rates of job placement and employment
23 of students who complete a course of training.

24 SECTION 3.25. Sections 1602.453(b), (c), and (d),
25 Occupations Code, are amended to read as follows:

26 (b) A school must submit to the board [~~commission~~] for
27 approval the course length and curriculum content for each course

1 offered by the school. The school may implement a course length and
2 curriculum content only after approval by the board [~~commission~~].

3 (c) Before issuing or renewing a license under this chapter,
4 the board [~~commission~~] shall require a school to account for each
5 course length and curriculum content.

6 (d) If a school manipulates a course length below or above
7 industry standards, the board [~~commission~~] shall place the school
8 on probation until:

9 (1) justification for the deviation is proven; or

10 (2) the course length is adjusted to meet industry
11 standards.

12 SECTION 3.26. Section 1602.454, Occupations Code, is
13 amended to read as follows:

14 Sec. 1602.454. STUDENT RECORD. A private beauty culture
15 school shall notify [~~send to~~] the board [~~commission a certified~~
16 ~~copy of a student's record, indicating all course hours completed~~
17 ~~by the student and whether the agreed tuition has been paid,~~] when a
18 [~~the~~] student[+]

19 [(1)] graduates from a course of training offered by
20 the school and is eligible to take the appropriate examination [~~or~~

21 [(2) ~~withdraws or transfers from a course of training~~
22 ~~without completion of the training~~].

23 SECTION 3.27. Section 1602.460(d), Occupations Code, is
24 amended to read as follows:

25 (d) The board [~~commission~~] may exempt a school from the
26 payment of interest if the school makes a good faith effort to
27 refund the tuition but is unable to locate the student. The school

1 shall provide to the board [~~commission~~] on request documentation of
2 the effort to locate the student.

3 SECTION 3.28. Section 1602.463(a), Occupations Code, is
4 amended to read as follows:

5 (a) If a private beauty culture school closes, the board
6 [~~commission~~] shall attempt to arrange for students enrolled in the
7 closed school to attend another private beauty culture school.

8 SECTION 3.29. Sections 1602.464(a) and (b), Occupations
9 Code, are amended to read as follows:

10 (a) If on January 1 of any year the amount in the private
11 beauty culture school tuition protection account is less than
12 \$200,000, the board [~~commission~~] shall collect a fee from each
13 private beauty culture school during that year by applying a
14 percentage to the school's renewal fee at a rate that will bring the
15 balance of the account to \$200,000.

16 (b) The comptroller shall invest the account in the same
17 manner as other state funds. Sufficient money from the account
18 shall be appropriated to the board [~~commission~~] for the purpose
19 described by Section 1602.463. The board [~~commission~~] shall
20 administer claims made against the account.

21 SECTION 3.30. Sections 1602.465(a), (b), and (c),
22 Occupations Code, are amended to read as follows:

23 (a) If the board [~~commission~~] has reasonable cause to
24 believe that a private beauty culture school has violated this
25 chapter or a rule adopted under this chapter, the board
26 [~~commission~~] may:

27 (1) order a peer review of the school; or

1 (2) suspend the admission of students to the school.

2 (b) The peer review shall be conducted by a peer review team
3 consisting of knowledgeable persons selected by the board
4 ~~[commission]~~. The board ~~[commission]~~ shall attempt to provide a
5 balance on each team between members assigned to the team who are
6 from this state and those who are from other states.

7 (c) The team shall provide the board ~~[commission]~~ with an
8 objective assessment of the content of the school's curriculum and
9 its application.

10 ARTICLE 4. CONFORMING AMENDMENTS

11 SECTION 4.01. Section 232.002, Family Code, is amended to
12 read as follows:

13 Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.
14 The following are licensing authorities subject to this chapter:

- 15 (1) Department of Agriculture;
- 16 (2) ~~[Texas Commission on Alcohol and Drug Abuse;~~
- 17 ~~[(3)]~~ Texas Alcoholic Beverage Commission;
- 18 (3) ~~[(4)]~~ Texas Appraiser Licensing and Certification
- 19 Board;
- 20 (4) ~~[(5)]~~ Texas Board of Architectural Examiners;
- 21 (5) ~~[(6)]~~ Texas ~~[State]~~ Board of Barbering and
- 22 Cosmetology ~~[Barber Examiners]~~;
- 23 (6) ~~[(7)]~~ Texas Board of Chiropractic Examiners;
- 24 (7) ~~[(8)]~~ Comptroller of Public Accounts;
- 25 (8) ~~[(9)]~~ ~~Texas Cosmetology Commission;~~
- 26 ~~[(10)]~~ Court Reporters Certification Board;
- 27 (9) ~~[(11)]~~ State Board of Dental Examiners;

1 (10) [~~(12)~~] Texas State Board of Examiners of
2 Dietitians;
3 (11) [~~(13)~~] Texas Funeral Service Commission;
4 (12) [~~(14)~~ ~~Texas~~] Department of State Health Services
5 ~~[Health]~~;
6 (13) [~~(15)~~ ~~Texas~~] Department of Aging and Disability
7 ~~[Human]~~ Services;
8 (14) [~~(16)~~] Texas Board of Professional Land
9 Surveying;
10 (15) [~~(17)~~] Texas Department of Licensing and
11 Regulation;
12 (16) [~~(18)~~] Texas State Board of Examiners of Marriage
13 and Family Therapists;
14 (17) [~~(19)~~] Texas State Board of Medical Examiners;
15 (18) [~~(20)~~] Midwifery Board;
16 (19) [~~(21)~~] Texas Commission on Environmental
17 Quality;
18 (20) [~~(22)~~] Board of Nurse Examiners;
19 (21) [~~(23)~~] Texas Board of Occupational Therapy
20 Examiners;
21 (22) [~~(24)~~] Texas Optometry Board;
22 (23) [~~(25)~~] Parks and Wildlife Department;
23 (24) [~~(26)~~] Texas State Board of Examiners of
24 Perfusionists;
25 (25) [~~(27)~~] Texas State Board of Pharmacy;
26 (26) [~~(28)~~] Texas Board of Physical Therapy
27 Examiners;

1 (27) [~~(29)~~] Texas State Board of Plumbing Examiners;
 2 (28) [~~(30)~~] Texas State Board of Podiatric Medical
 3 Examiners;
 4 (29) [~~(31)~~] Polygraph Examiners Board;
 5 (30) [~~(32)~~] Texas [~~Commission on~~] Private Security
 6 Board;
 7 (31) [~~(33)~~] Texas State Board of Examiners of
 8 Professional Counselors;
 9 (32) [~~(34)~~] Texas Board of Professional Engineers;
 10 (33) [~~(35)~~] Department of Family and Protective [~~and~~
 11 ~~Regulatory~~] Services;
 12 (34) [~~(36)~~] Texas State Board of Examiners of
 13 Psychologists;
 14 (35) [~~(37)~~] Texas State Board of Public Accountancy;
 15 (36) [~~(38)~~] Department of Public Safety of the State
 16 of Texas;
 17 (37) [~~(39)~~] Public Utility Commission of Texas;
 18 (38) [~~(40)~~] Railroad Commission of Texas;
 19 (39) [~~(41)~~] Texas Real Estate Commission;
 20 (40) [~~(42)~~] State Bar of Texas;
 21 (41) [~~(43)~~] Texas State Board of Social Worker
 22 Examiners;
 23 (42) [~~(44)~~] State Board of Examiners for
 24 Speech-Language Pathology and Audiology;
 25 (43) [~~(45)~~] Texas Structural Pest Control Board;
 26 (44) [~~(46)~~] Board of Tax Professional Examiners;
 27 (45) [~~(47)~~] Secretary of State;

1 (46) [~~(48)~~] Supreme Court of Texas;
2 (47) [~~(49)~~] Texas Transportation Commission;
3 (48) [~~(50)~~] State Board of Veterinary Medical
4 Examiners;
5 (49) [~~(51)~~] Texas Ethics Commission;
6 (50) [~~(52)~~] Advisory Board of Athletic Trainers;
7 (51) [~~(53)~~] State Committee of Examiners in the
8 Fitting and Dispensing of Hearing Instruments;
9 (52) [~~(54)~~] Texas Board of Licensure for Professional
10 Medical Physicists;
11 (53) [~~(55)~~] Texas Department of Insurance;
12 (54) [~~(56)~~] Texas Board of Orthotics and Prosthetics;
13 (55) [~~(57)~~] savings and loan commissioner;
14 (56) [~~(58)~~] Texas Juvenile Probation Commission; and
15 (57) [~~(59)~~] Texas Lottery Commission under Chapter
16 466, Government Code.

17 SECTION 4.02. Section 411.122(d), Government Code, is
18 amended to read as follows:

19 (d) The following state agencies are subject to this
20 section:

21 (1) Texas Appraiser Licensing and Certification
22 Board;
23 (2) Texas Board of Architectural Examiners;
24 (3) Texas [~~State~~] Board of Barbering and Cosmetology
25 [~~Barber Examiners~~];
26 (4) Texas Board of Chiropractic Examiners;
27 (5) [~~Texas Cosmetology Commission~~];

1 ~~[(6)]~~ State Board of Dental Examiners;
2 (6) ~~[(7)]~~ Texas Board of Professional Engineers;
3 (7) ~~[(8)]~~ Texas Funeral Service Commission;
4 (8) ~~[(9)]~~ Texas Board of Professional Geoscientists;
5 (9) ~~[(10) — Texas]~~ Department of State Health Services,
6 except as provided by Section 411.110, and agencies attached to the
7 department, including:

8 (A) Texas State Board of Examiners of Dietitians;

9 (B) Texas State Board of Examiners of Marriage
10 and Family Therapists;

11 (C) Midwifery Board;

12 (D) Texas State Board of Examiners of
13 Perfusionists;

14 (E) Texas State Board of Examiners of
15 Professional Counselors;

16 (F) Texas State Board of Social Worker Examiners;

17 (G) State Board of Examiners for Speech-Language
18 Pathology and Audiology;

19 (H) Advisory Board of Athletic Trainers;

20 (I) State Committee of Examiners in the Fitting
21 and Dispensing of Hearing Instruments;

22 (J) Texas Board of Licensure for Professional
23 Medical Physicists; and

24 (K) Texas Board of Orthotics and Prosthetics;

25 (10) ~~[(11)]~~ Texas Board of Professional Land
26 Surveying;

27 (11) ~~[(12)]~~ Texas Department of Licensing and

1 Regulation, except as provided by Section 411.093;

2 (12) [~~(13)~~] Texas Commission on Environmental
3 Quality;

4 (13) [~~(14)~~] Texas Board of Occupational Therapy
5 Examiners;

6 (14) [~~(15)~~] Texas Optometry Board;

7 (15) [~~(16)~~] Texas State Board of Pharmacy;

8 (16) [~~(17)~~] Texas Board of Physical Therapy
9 Examiners;

10 (17) [~~(18)~~] Texas State Board of Plumbing Examiners;

11 (18) [~~(19)~~] Texas State Board of Podiatric Medical
12 Examiners;

13 (19) [~~(20)~~] Polygraph Examiners Board;

14 (20) [~~(21)~~] Texas State Board of Examiners of
15 Psychologists;

16 (21) [~~(22)~~] Texas Real Estate Commission;

17 (22) [~~(23)~~] Board of Tax Professional Examiners;

18 (23) [~~(24)~~] Texas Department of Transportation;

19 (24) [~~(25)~~] State Board of Veterinary Medical
20 Examiners;

21 ~~[(26) Board of Vocational Nurse Examiners,]~~

22 (25) [~~(27)~~] Texas Department of Housing and Community
23 Affairs;

24 (26) [~~(28)~~] secretary of state;

25 (27) [~~(29)~~] state fire marshal;

26 (28) [~~(30)~~] Texas Education Agency; and

27 (29) [~~(31)~~] Department of Agriculture.

SECTION 4.03. Section 2054.352(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353[~~, as added by Chapter 353, Acts of the 77th Legislature, Regular Session, 2001~~]:

(1) Texas [~~State~~] Board of Barbering and Cosmetology [~~Barber Examiners~~];

(2) Texas Board of Chiropractic Examiners;

(3) [~~Texas Cosmetology Commission~~;

[~~(4)~~] Court Reporters Certification Board;

(4) [~~(5)~~] State Board of Dental Examiners;

(5) [~~(6)~~] Texas Funeral Service Commission;

(6) [~~(7)~~] Texas Board of Professional Land Surveying;

(7) [~~(8)~~] Texas State Board of Medical Examiners;

(8) [~~(9)~~] Board of Nurse Examiners;

(9) [~~(10)~~] Texas Optometry Board;

(10) [~~(11)~~] Texas Structural Pest Control Board;

(11) [~~(12)~~] Texas State Board of Pharmacy;

(12) [~~(13)~~] Executive Council of Physical Therapy and Occupational Therapy Examiners;

(13) [~~(14)~~] Texas State Board of Plumbing Examiners;

(14) [~~(15)~~] Texas State Board of Podiatric Medical Examiners;

(15) [~~(16)~~] Board of Tax Professional Examiners;

(16) [~~(17)~~] Polygraph Examiners Board;

(17) [~~(18)~~] Texas State Board of Examiners of Psychologists;

1 (18) [~~(19)~~] State Board of Veterinary Medical
2 Examiners;
3 (19) [~~(20)~~] Texas Real Estate Commission;
4 (20) [~~(21)~~] Texas Appraiser Licensing and
5 Certification Board;
6 (21) [~~(22)~~] Texas Department of Licensing and
7 Regulation;
8 (22) [~~(24)~~] Texas State Board of Public Accountancy;
9 (23) [~~(25)~~] State Board for Educator Certification;
10 (24) [~~(26)~~] Texas Board of Professional Engineers;
11 (25) [~~(27)~~—~~Texas~~] Department of State Health
12 Services;
13 (26) [~~(28)~~] Texas Board of Architectural Examiners;
14 (27) [~~(29)~~] Texas Racing Commission;
15 (28) [~~(30)~~] Commission on Law Enforcement Officer
16 Standards and Education; and
17 (29) [~~(31)~~] Texas [~~Commission on~~] Private Security
18 Board.

19 ARTICLE 5. REPEALER

20 SECTION 5.01. The following laws are repealed:

21 (1) Subchapters B, C, D, E, and O, Chapter 1601,
22 Occupations Code;
23 (2) Subchapters B, C, E, and K, Chapter 1602,
24 Occupations Code; and
25 (3) Sections 1601.004, 1601.252, 1601.261, 1601.262,
26 1601.263, 1601.264, 1601.266, 1601.356, 1601.402(d), 1601.403,
27 1601.404(a) and (b), 1601.408, 1601.601, 1601.651, 1601.654,

1 1602.004, 1602.151, 1602.152, 1602.154, 1602.155, 1602.252,
2 1602.253, as amended by Chapter 1282, Acts of the 78th Legislature,
3 Regular Session, 2003, 1602.259, 1602.260, 1602.261, 1602.264,
4 1602.265, 1602.303(d), 1602.304(b), 1602.352(b)-(f), 1602.407,
5 1602.551, 1602.552, 1602.553, and 1602.555, Occupations Code.

6 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

7 SECTION 6.01. (a) The State Board of Barber Examiners and
8 the Texas Cosmetology Commission are abolished but continue in
9 existence until September 1, 2006, for the sole purpose of
10 transferring obligations, property, employees, rights, powers, and
11 duties to the Texas Board of Barbering and Cosmetology created
12 under Chapter 1603, Occupations Code, as added by this Act. The
13 Texas Board of Barbering and Cosmetology assumes all of the
14 obligations, property, employees, rights, powers, and duties of the
15 State Board of Barber Examiners and the Texas Cosmetology
16 Commission, as they exist immediately before the effective date of
17 this Act. All unexpended funds appropriated to the State Board of
18 Barber Examiners and the Texas Cosmetology Commission are
19 transferred to the Texas Board of Barbering and Cosmetology. The
20 transfer of the obligations, property, employees, rights, powers,
21 and duties of the State Board of Barber Examiners and the Texas
22 Cosmetology Commission to the Texas Board of Barbering and
23 Cosmetology must be completed not later than September 1, 2006.

24 (b) All rules of the State Board of Barber Examiners and the
25 Texas Cosmetology Commission are continued in effect as rules of
26 the Texas Board of Barbering and Cosmetology until superseded by a
27 rule of the Texas Board of Barbering and Cosmetology. A

1 certificate, license, or permit issued by the State Board of Barber
2 Examiners or the Texas Cosmetology Commission is continued in
3 effect as provided by the law in effect immediately before the
4 effective date of this Act. A complaint, investigation, contested
5 case, or other proceeding pending on the effective date of this Act
6 is continued without change in status after the effective date of
7 this Act.

8 (c) A reference in another law or an administrative rule to
9 the State Board of Barber Examiners or the Texas Cosmetology
10 Commission means the Texas Board of Barbering and Cosmetology.

11 SECTION 6.02. (a) In making the initial appointments to
12 the Texas Board of Barbering and Cosmetology, the governor shall
13 appoint:

14 (1) one person described by Section 1603.051(a)(1),
15 Occupations Code, as added by this Act, one person described by
16 Section 1603.051(a)(2), Occupations Code, as added by this Act, and
17 one public member to serve terms expiring February 1, 2007;

18 (2) one person described by Section 1603.051(a)(1),
19 Occupations Code, as added by this Act, one person described by
20 Section 1603.051(a)(2), Occupations Code, as added by this Act, and
21 one public member to serve terms expiring February 1, 2009; and

22 (3) one person described by Section 1603.051(a)(1),
23 Occupations Code, as added by this Act, one person described by
24 Section 1603.051(a)(2), Occupations Code, as added by this Act, and
25 one public member to serve terms expiring February 1, 2011.

26 (b) Not later than March 1, 2005, each initial board member
27 appointed under this section must complete the training required by

1 Section 1603.059, Occupations Code, as added by this Act. Before
2 March 1, 2005, Section 1603.059(a) does not apply to an initial
3 board member.

4 SECTION 6.03. Not later than the 90th day after the date
5 that a majority of the members of the Texas Board of Barbering and
6 Cosmetology are appointed under Section 6.02 of this article and
7 qualify for office, the board shall appoint an executive director
8 under Section 1603.101, Occupations Code, as added by this Act. A
9 person who is the executive director of the State Board of Barber
10 Examiners or the Texas Cosmetology Commission on, or within one
11 year preceding, the effective date of this Act, is not eligible to
12 be employed as the initial executive director under this section.

13 SECTION 6.04. This Act takes effect September 1, 2005.

HOUSE COMMITTEE REPORT

1st Printing

05 MAY -3 PM 5:30
HOUSE OF REPRESENTATIVES

By: Hamric, Solomons, Truitt, Dunnam, Wong

H.B. No. 1436

Substitute the following for H.B. No. 1436:

By: Hunter

C.S.H.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of barbers and cosmetologists by the Texas Department of Licensing and Regulation and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 1.01. Title 9, Occupations Code, is amended by adding Chapter 1603 to read as follows:

CHAPTER 1603. REGULATION OF BARBERING AND COSMETOLOGY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1603.001. GENERAL DEFINITIONS. (a) In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Executive director" means the executive director of the department.

(b) Unless the context clearly indicates otherwise, the definitions in Chapters 1601 and 1602 apply to this chapter.

Sec. 1603.002. REGULATION OF BARBERING AND COSMETOLOGY BY DEPARTMENT OF LICENSING AND REGULATION. The department shall administer this chapter and Chapters 1601 and 1602. A reference in this chapter to the commission's or department's powers or duties

applies only in relation to those chapters, except that this section does not limit the department's or commission's general powers under Chapter 51.

[Sections 1603.003-1603.050 reserved for expansion]

SUBCHAPTER B. ADVISORY BOARDS FOR BARBERING AND COSMETOLOGY

Sec. 1603.051. DUTIES. The advisory boards established under Chapters 1601 and 1602 shall advise the commission on administering this chapter and Chapters 1601 and 1602 regarding barbering or cosmetology, as applicable.

[Sections 1603.052-1603.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1603.101. RULES. The commission shall adopt rules consistent with this chapter for:

(1) the administration of this chapter and the operations of the department in regulating barbering and cosmetology; and

(2) the administration of Chapters 1601 and 1602.

Sec. 1603.102. SANITATION RULES. The commission shall establish sanitation rules to prevent the spread of an infectious or contagious disease.

Sec. 1603.103. INSPECTION OF SCHOOLS, SHOPS, AND FACILITIES BEFORE OPERATION. (a) Until the department determines, by inspection, that the person has established the school, shop, or facility in compliance with this chapter, Chapter 1601, or Chapter 1602, a person may not operate a school, shop, or other facility licensed or permitted under this chapter, Chapter 1601, or Chapter 1602.

1 (b) A school, shop, or other facility that is not approved
2 by the department on initial inspection may be reinspected.

3 (c) The school, shop, or other facility shall pay a fee for
4 each inspection. The commission shall by rule set the amount of the
5 fee.

6 Sec. 1603.104. PERIODIC AND RISK-BASED INSPECTIONS. (a)
7 The department may enter and inspect at any time during business
8 hours:

9 (1) the place of business of any person regulated
10 under this chapter, Chapter 1601, or Chapter 1602; or

11 (2) any place in which the department has probable
12 cause to believe that a certificate, license, or permit holder is
13 practicing in violation of this chapter, Chapter 1601, or Chapter
14 1602 or in violation of a rule or order of the commission or
15 executive director.

16 (b) At least once every two years, the department shall
17 inspect each school, shop, or other facility that holds a license,
18 certificate, or permit under this chapter, Chapter 1601, or Chapter
19 1602.

20 (c) The department shall conduct additional inspections
21 based on a schedule of risk-based inspections using the following
22 criteria:

23 (1) the type and nature of the school, shop, or other
24 facility;

25 (2) whether there has been a prior sanitation
26 violation at the school, shop, or facility;

27 (3) the inspection history of the school, shop, or

1 other facility;

2 (4) any history of complaints involving the school,
3 shop, or other facility; and

4 (5) any other factor determined by the commission by
5 rule.

6 (d) An inspector who discovers a violation of this chapter,
7 Chapter 1601, or Chapter 1602 or of a rule or order of the
8 commission or executive director shall:

9 (1) provide written notice of the violation to the
10 license, certificate, or permit holder on a form prescribed by the
11 department; and

12 (2) file a complaint with the executive director.

13 (e) The school, shop, or other facility shall pay a fee for
14 each inspection performed under Subsection (c). The commission
15 shall by rule set the amount of the fee.

16 Sec. 1603.105. RETENTION OF STUDENT RECORDS. The
17 department may not retain student records, including student
18 transcripts, beyond the time required by state law.

19 Sec. 1603.106. COMMITTEES. The commission may appoint
20 committees that it considers necessary to carry out its duties.

21 [Sections 1603.107-1603.150 reserved for expansion]

22 SUBCHAPTER D. PUBLIC PARTICIPATION AND COMPLAINT PROCEDURES

23 Sec. 1603.151. NOTIFICATION OF PUBLIC INTEREST INFORMATION
24 AND PARTICIPATION. The commission by rule shall establish methods
25 by which consumers and service recipients are notified of the name,
26 mailing address, and telephone number of the department for the
27 purpose of directing complaints to the department regarding

barbering and cosmetology. The department may provide for that notice:

(1) on each registration form, application, or written contract for services of a person regulated under this chapter, Chapter 1601, or Chapter 1602;

(2) on a sign prominently displayed in the place of business of each person regulated under this chapter, Chapter 1601, or Chapter 1602; or

(3) in a bill for service provided by a person regulated under this chapter, Chapter 1601, or Chapter 1602.

Sec. 1603.152. COMPLAINT JURISDICTION; NOTIFICATION. If the department determines that it lacks jurisdiction to resolve the complaint, the department shall notify the complainant in writing that the department is closing the complaint because it lacks jurisdiction.

Sec. 1603.153. ANALYSIS OF COMPLAINTS AND VIOLATIONS. (a) The department shall develop and maintain a system to analyze the processing, sources, and types of complaints filed with the department and the types of violations that occur under this chapter, Chapter 1601, and Chapter 1602.

(b) Based on the information under Subsection (a), the department shall analyze trends in violations and complaints that may require further attention or technical assistance to help reduce the frequency of those complaints and violations.

(c) The department shall annually compile a statistical analysis of the complaints filed and violations occurring during the preceding year, including:

1 (1) the number of complaints filed;

2 (2) a categorization of complaints filed according to
3 the basis of the complaint and the number of complaints in each
4 category;

5 (3) the number of complaints filed by department
6 staff;

7 (4) the number of complaints filed by persons other
8 than department staff;

9 (5) the number of complaints filed over which the
10 department lacks jurisdiction;

11 (6) the average length of time required to close a
12 complaint or violation from the time the department receives the
13 complaint or otherwise initiates an investigation of a possible
14 violation until the complaint or violation is resolved by a final
15 order or penalty;

16 (7) the number of complaints resolved and the manner
17 in which they were resolved, including:

18 (A) the number of complaints dismissed and the
19 reasons for dismissal; and

20 (B) the number of complaints resulting in
21 disciplinary action and the type of disciplinary action taken; and

22 (8) the number of complaints filed that are
23 unresolved, the number of those complaints filed by department
24 staff, the number of those complaints filed by persons other than
25 department staff, and the average length of time that the
26 unresolved complaints have been on file.

27 Sec. 1603.154. INFORMAL SETTLEMENT CONFERENCE. The

1 department shall establish guidelines for an informal settlement
2 conference related to a complaint filed with the department.

3 [Sections 1603.155-1603.200 reserved for expansion]

4 SUBCHAPTER E. CERTIFICATE, LICENSE, AND PERMIT REQUIREMENTS

5 Sec. 1603.201. APPLICATION FORM; TIMING. (a) An
6 application for a certificate, license, or permit must be made on a
7 form prescribed and provided by the department.

8 (b) An application for an operator license, instructor
9 license, manicurist license, or facialist specialty license must be
10 filed with the department not later than the 10th day before the
11 date set for the applicable examination.

12 Sec. 1603.202. DUPLICATE CERTIFICATE, LICENSE, OR PERMIT.
13 The department shall issue a duplicate certificate, license, or
14 permit to an applicant who:

15 (1) submits an application for a duplicate
16 certificate, license, or permit to the department; and

17 (2) pays the required fee.

18 Sec. 1603.203. PROVISIONAL CERTIFICATE OR LICENSE. (a)
19 The department may issue a provisional certificate or license to an
20 applicant currently licensed in another jurisdiction who seeks a
21 certificate or license in this state and who:

22 (1) has been licensed in good standing in the
23 profession for which the person seeks the certificate or license
24 for at least two years in another jurisdiction, including a foreign
25 country, that has requirements substantially equivalent to the
26 requirements of this chapter, Chapter 1601, or Chapter 1602, as
27 appropriate; and

1 (2) has passed a national or other examination
2 recognized by the commission relating to the practice of that
3 profession.

4 (b) A provisional certificate or license is valid until the
5 date the department approves or denies the provisional certificate
6 or license holder's application. The department shall issue a
7 certificate or license to the provisional certificate or license
8 holder if:

9 (1) the provisional certificate or license holder is
10 eligible to hold a certificate or license under Chapter 1601 or
11 Chapter 1602; or

12 (2) the provisional certificate or license holder
13 passes the part of the examination under Chapter 1601 or Chapter
14 1602 that relates to the applicant's knowledge and understanding of
15 the laws and rules relating to the practice of the profession in
16 this state and:

17 (A) the department verifies that the provisional
18 certificate or license holder meets the academic and experience
19 requirements for the certificate or license; and

20 (B) the provisional certificate or license
21 holder satisfies any other certificate or license requirements.

22 (c) The department must approve or deny a provisional
23 certificate or license holder's application for a certificate or
24 license not later than the 180th day after the date the provisional
25 certificate or license is issued. The department may extend the
26 180-day period if the results of an examination have not been
27 received by the department before the end of that period.

Sec. 1603.204. RECIPROCAL CERTIFICATE, LICENSE, OR PERMIT.

(a) A person who holds a license, certificate, or permit to practice barbering or cosmetology from another state or country that has standards or work experience requirements that are substantially equivalent to the requirements of this chapter, Chapter 1601, or Chapter 1602 may apply for a license, certificate, or permit to perform the same acts of barbering or cosmetology in this state that the person practiced in the other state or country.

(b) The person must:

(1) submit an application for the license, certificate, or permit to the department; and

(2) pay fees in an amount prescribed by the commission, including any applicable license, certificate, or permit fee.

(c) A person issued a license, certificate, or permit under this section:

(1) may perform the acts of barbering or cosmetology stated on the license, certificate, or permit; and

(2) is subject to the renewal procedures and fees provided in this chapter, Chapter 1601, or Chapter 1602 for the performance of those acts of barbering or cosmetology.

[Sections 1603.205-1603.250 reserved for expansion]

SUBCHAPTER F. EXAMINATION REQUIREMENTS

Sec. 1603.251. DEFINITION. In this subchapter, "examination proctor" means an individual registered under this subchapter to administer a practical examination for the department.

1 Sec. 1603.252. GENERAL EXAMINATION REQUIREMENTS. (a) The
2 department may accept, develop, or contract for the examinations
3 required by this chapter, including the administration of the
4 examinations.

5 (b) The executive director shall determine uniform
6 standards for acceptable performance on an examination for a
7 license or certificate under Chapter 1601 and for a license or
8 certificate under Chapter 1602.

9 (c) The examination must include a written examination as
10 provided by Section 1603.253 and may include a practical
11 examination as provided by Section 1603.257.

12 Sec. 1603.253. WRITTEN EXAMINATION. The commission shall
13 select an examination for each written examination required under
14 this chapter, Chapter 1601, or Chapter 1602. The written
15 examination must be:

16 (1) validated by an independent testing professional;
17 or

18 (2) purchased from a national testing service.

19 Sec. 1603.254. EXAMINATION FOR BARBERS. (a) An applicant
20 for an examination for a certificate or license issued under
21 Chapter 1601 must submit to the department a sworn application on a
22 form prescribed and provided by the department accompanied by:

23 (1) two photographs of the applicant, one of which
24 accompanies the application and one of which is to be returned to
25 the applicant to be presented at the examination; and

26 (2) the appropriate examination fee.

27 (b) The department shall examine applicants for a Class A

1 barber certificate and a teacher's certificate.

2 Sec. 1603.255. EXAMINATION FOR COSMETOLOGISTS. (a) The
3 department shall administer examinations for certificates and
4 licenses issued under Chapter 1602 beginning the first day of each
5 month. If the first day of the month is a legal holiday, the
6 examination shall begin on the following day.

7 (b) The department shall announce the site of an examination
8 for a certificate or license issued under Chapter 1602 not later
9 than six months before the scheduled examination date.

10 Sec. 1603.256. EARLY EXAMINATION. The department, on
11 written request by a student, may provide for the early written
12 examination of an applicant for a Class A barber certificate, a
13 teacher's certificate, or an operator license who has completed at
14 least 1,000 hours of instruction in a department-approved training
15 program.

16 Sec. 1603.257. PRACTICAL EXAMINATION. (a) The commission
17 may require a practical examination as it considers necessary for a
18 license or certificate issued under Chapter 1601 or 1602.

19 (b) The department shall prescribe the method and content of
20 any practical examination.

21 (c) The following persons may administer a practical
22 examination required under this subchapter:

23 (1) the department;

24 (2) a person with whom the department contracts under
25 Section 1603.252; or

26 (3) an examination proctor.

27 Sec. 1603.258. EXAMINATION PROCTOR; REGISTRATION. (a) A

1 person may not act as an examination proctor under this subchapter
2 unless the person is registered with the department under this
3 section.

4 (b) To be eligible for registration as an examination
5 proctor, a person must:

6 (1) meet eligibility requirements determined by
7 commission rule;

8 (2) file with the department an application on a form
9 prescribed by the department; and

10 (3) pay the required fees as determined by the
11 commission by rule.

12 (c) If the department requires an examination proctor to
13 administer a practical examination under this subchapter, the
14 examination proctor shall perform the examination administration
15 function of the department in a competent and professional manner
16 and in compliance with:

17 (1) standards and specifications adopted by the
18 commission under this chapter; and

19 (2) rules adopted by the commission under this
20 chapter.

21 [Sections 1603.259-1603.300 reserved for expansion]

22 SUBCHAPTER G. CERTIFICATE, LICENSE, AND PERMIT RENEWAL

23 Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE
24 PENALTY. The department may deny a person's request to renew a
25 certificate, license, or permit issued under this chapter, Chapter
26 1601, or Chapter 1602 if the person has not paid an administrative
27 penalty imposed under Subchapter F, Chapter 51. This section does

1 not apply if:

2 (1) the person's time to pay or request a hearing has
3 not expired under Section 51.304;

4 (2) the person has requested a hearing under Section
5 51.304, but the person's time to pay has not expired under Section
6 51.307; or

7 (3) the penalty is stayed.

8 [Sections 1603.302-1603.350 reserved for expansion]

9 SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO

10 CHAPTERS 1601 AND 1602

11 Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS. The
12 commission shall prescribe the minimum curriculum, including the
13 subjects and the number of hours in each subject, taught by a school
14 licensed under this chapter, Chapter 1601, or Chapter 1602,
15 including a private beauty culture school or a vocational
16 cosmetology program in a public school.

17 Sec. 1603.352. SANITATION REQUIREMENTS FOR CERTAIN
18 SERVICES. (a) A person who holds a license, certificate, or permit
19 issued under this chapter, Chapter 1601, or Chapter 1602 and who
20 performs a barbering service described by Section 1601.002(1)(E) or
21 (F) or a cosmetology service described by Section 1602.002(10) or
22 (11):

23 (1) shall, before performing the service, disinfect
24 and sterilize with an autoclave each nondisposable instrument used
25 to perform the service; and

26 (2) may use a disposable supply or instrument only if
27 that supply or instrument is purchased at the location where the

1 service is performed or provided by the person on whom the service
2 is performed.

3 (b) The owner or manager of a barber shop, barber school,
4 beauty shop, specialty shop, or beauty culture school is
5 responsible for providing an autoclave for use in the shop or school
6 as required by Subsection (a). An autoclave used as required by
7 Subsection (a) must be:

8 (1) registered and listed with the federal Food and
9 Drug Administration; and

10 (2) used in accordance with the manufacturer's
11 instructions.

12 [Sections 1603.353-1603.400 reserved for expansion]

13 SUBCHAPTER I. DENIAL AND DISCIPLINARY PROCEDURES

14 Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. The
15 department shall deny an application for issuance or renewal of, or
16 shall suspend or revoke, a certificate, license, or permit if the
17 applicant or person holding the certificate, license, or permit:

18 (1) engages in gross malpractice;

19 (2) knowingly continues to practice while having an
20 infectious or contagious disease;

21 (3) knowingly makes a false or deceptive statement in
22 advertising;

23 (4) advertises, practices, or attempts to practice
24 under another person's name or trade name;

25 (5) engages in fraud or deceit in obtaining a
26 certificate, license, or permit; or

27 (6) engages in an act that violates this chapter,

Chapter 51, Chapter 1601, or Chapter 1602 or a rule or order adopted or issued under those chapters.

[Sections 1603.402-1603.450 reserved for expansion]

SUBCHAPTER J. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 1603.451. INJUNCTIVE RELIEF. (a) If a certificate, license, or permit holder commits a violation of this chapter, Chapter 1601, Chapter 1602, or a commission rule and the violation poses a serious threat to the public health, the attorney general shall initiate a suit for injunction and proceedings for suspension or revocation of the certificate, license, or permit.

(b) In seeking an injunction under this section, the attorney general is not required to allege or prove:

(1) that an adequate remedy at law does not exist; or

(2) that substantial or irreparable damage would result from the continued violation.

Sec. 1603.452. CIVIL PENALTY. (a) A barber, barbershop owner, barber school, or private beauty culture school that violates this chapter, Chapter 1601, Chapter 1602, or a commission rule is liable for a civil penalty in addition to any injunctive relief or other remedy provided by law.

(b) The amount of the civil penalty for a barber or barbershop owner may not exceed \$25 a day for each violation.

(c) The amount of the civil penalty for a barber school or private beauty culture school may not exceed \$1,000 a day for each violation.

(d) The attorney general may sue to collect the civil penalty.

1 Sec. 1603.453. APPEAL BOND NOT REQUIRED. The department is
2 not required to give an appeal bond in a cause arising under this
3 chapter, Chapter 1601, or Chapter 1602.

4 Sec. 1603.454. ENFORCEMENT BY ATTORNEY GENERAL. The
5 attorney general shall represent the department in an action to
6 enforce this chapter, Chapter 1601, or Chapter 1602.

7 ARTICLE 2. REGULATION OF BARBERING

8 SECTION 2.01. Section 1601.001(a), Occupations Code, is
9 amended by amending Subdivisions (3), (4), (5), and (8) and adding
10 Subdivisions (4-a) and (4-b) to read as follows:

11 (3) "Board" means the Advisory [~~State~~] Board on
12 Barbering [~~of Barber Examiners~~].

13 (4) "Certificate" means a certificate of registration
14 issued by the department [~~board~~].

15 (4-a) "Commission" means the Texas Commission of
16 Licensing and Regulation.

17 (4-b) "Department" means the Texas Department of
18 Licensing and Regulation.

19 (5) "License" means a license issued by the department
20 [~~board~~].

21 (8) "Permit" means a permit issued by the department
22 [~~board~~].

23 SECTION 2.02. Section 1601.003, Occupations Code, is
24 amended to read as follows:

25 Sec. 1601.003. APPLICATION OF CHAPTER. This chapter does
26 not apply to a person who:

27 (1) does not represent or advertise to the public

1 directly or indirectly that the person is authorized by the
2 department ~~[board]~~ to practice barbering; and

3 (2) is:

4 (A) a physician or registered nurse licensed in
5 this state and operating within the scope of the person's license;

6 (B) a commissioned or authorized medical or
7 surgical officer of the United States armed forces;

8 (C) a person regulated under Chapter 1602, if the
9 person practices within the scope of a permit, license, or
10 certificate issued by the department under that chapter ~~[Texas~~
11 ~~Cosmetology Commission]~~; or

12 (D) an inmate in the institutional division of
13 the Texas Department of Criminal Justice who performs barbering
14 during the person's incarceration.

15 SECTION 2.03. The heading to Subchapter B, Chapter 1601,
16 Occupations Code, is amended to read as follows:

17 SUBCHAPTER B. ADVISORY ~~[STATE]~~ BOARD ON BARBERING ~~[OF BARBER~~
18 ~~EXAMINERS]~~

19 SECTION 2.04. Section 1601.051(a), Occupations Code, is
20 amended to read as follows:

21 ~~[(a)]~~ The Advisory ~~[State]~~ Board on Barbering ~~[of Barber~~
22 ~~Examiners]~~ consists of five ~~[seven]~~ members appointed by the
23 presiding officer of the commission, with the commission's
24 approval, ~~[governor with the advice and consent of the senate]~~ as
25 follows:

26 (1) two members, each of whom:

27 (A) is engaged in the practice of barbering as a

1 Class A barber [~~and has been for at least five years before being~~
2 ~~appointed~~]; and

3 (B) does not hold a barbershop permit;

4 (2) two members, each of whom [~~one member who~~;

5 [~~(A)~~] is a barbershop owner who holds a
6 barbershop permit; and

7 [~~(B) is engaged in the practice of barbering and~~
8 ~~has been for at least five years before being appointed,~~]

9 (3) one member who holds a permit to conduct or operate
10 a barber school[, ~~and~~

11 [~~(4) three members who represent the public~~].

12 SECTION 2.05. Section 1601.055, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.055. TERMS; VACANCY. (a) Members of the board
15 serve staggered six-year terms, with the terms of one or two [~~or~~
16 ~~three~~] members expiring on the same date each odd-numbered year
17 [~~every two years~~].

18 (b) If a vacancy occurs during a member's term, the
19 presiding officer of the commission, with the commission's
20 approval, [~~governor~~] shall appoint a replacement to fill the
21 unexpired term.

22 SECTION 2.06. Section 1601.058, Occupations Code, is
23 amended to read as follows:

24 Sec. 1601.058. PRESIDING OFFICER. The presiding officer of
25 the commission, with the commission's approval, [~~governor~~] shall
26 designate a board member as presiding officer to serve in that
27 capacity for a two-year term [~~at the will of the governor~~].

SECTION 2.07. Subchapter B, Chapter 1601, Occupations Code, is amended by adding Section 1601.059 to read as follows:

Sec. 1601.059. BOARD DUTIES. (a) The board shall advise the commission and the department on:

(1) education and curricula for applicants;

(2) the content of examinations;

(3) proposed rules and standards on technical issues related to barbering; and

(4) other issues affecting barbering.

(b) The board shall respond to questions from the department and the commission regarding barbering.

SECTION 2.08. Section 1601.253, Occupations Code, is amended to read as follows:

Sec. 1601.253. ELIGIBILITY FOR CLASS A BARBER CERTIFICATE.

(a) An applicant for a Class A barber certificate must:

(1) be at least 16 years of age; and

(2) pass a written and practical examination demonstrating to the department's [~~board's~~] satisfaction the applicant's fitness and competence to practice barbering.

(b) The department [~~board~~] shall issue a Class A barber certificate to an applicant who:

(1) complies with the application requirements of this chapter;

(2) passes the examination with an average grade of at least 75 percent;

(3) pays the required [a] fee [~~not to exceed \$100~~]; and

(4) possesses the other qualifications required by

1 this chapter.

2 SECTION 2.09. Sections 1601.254(a) and (c), Occupations
3 Code, are amended to read as follows:

4 (a) An applicant for a teacher's certificate must:

5 (1) be a Class A barber;

6 (2) have at least five years' experience as a
7 practicing barber in a barbershop, two years of which occurred in
8 the two years preceding the application date; and

9 (3) submit the required ~~[an]~~ examination fee ~~[not to~~
10 ~~exceed \$100]~~ with the application.

11 (c) The department ~~[board]~~ shall issue a teacher's
12 certificate to an applicant who:

13 (1) passes the appropriate examination; and

14 (2) pays the required ~~[a]~~ certificate fee ~~[not to~~
15 ~~exceed~~.

16 ~~[(A) \$100, if the applicant fulfills the~~
17 ~~certificate requirements during the period beginning November 1 of~~
18 ~~an odd-numbered year and extending through October 31 of the~~
19 ~~following year, or~~

20 ~~[(B) \$50, if the applicant fulfills the~~
21 ~~certificate requirements during the period beginning November 1 of~~
22 ~~an even-numbered year and extending through October 31 of the~~
23 ~~following year].~~

24 SECTION 2.10. Sections 1601.256(b) and (d), Occupations
25 Code, are amended to read as follows:

26 (b) An applicant for a barber technician license must:

27 (1) be at least 16 years of age;

(2) have completed the seventh grade or the equivalent of the seventh grade;

(3) have completed a course of instruction in a commission-approved [~~board-approved~~] training program consisting of not less than 300 hours in a period of not less than eight weeks; and

(4) submit the required [~~a \$10 administration~~] fee with the application.

(d) The department [~~board~~] shall issue a barber technician license to an applicant who:

(1) possesses the qualifications described by Subsection (b);

(2) passes the appropriate examination;

(3) pays the required [~~a~~] license fee [~~not to exceed \$100~~]; and

(4) has not committed an act that is a ground for denial of a license.

SECTION 2.11. Sections 1601.257(b) and (c), Occupations Code, are amended to read as follows:

(b) An applicant for a manicurist license must:

(1) be at least 17 [~~16~~] years of age;

(2) have completed the seventh grade or the equivalent of the seventh grade;

(3) have completed a commission-approved [~~board-approved~~] training program consisting of 600 hours of instruction in manicuring; and

(4) submit the required [~~a \$10 administration~~] fee

1 with the application.

2 (c) The department [~~board~~] shall issue a manicurist license
3 to an applicant who:

4 (1) possesses the qualifications described by
5 Subsection (b);

6 (2) passes the appropriate examination;

7 (3) pays the required [~~a~~] license fee [~~not to exceed~~
8 ~~\$30~~]; and

9 (4) has not committed an act that is a ground for
10 denial of a license.

11 SECTION 2.12. Section 1601.260, Occupations Code, is
12 amended to read as follows:

13 Sec. 1601.260. ELIGIBILITY FOR STUDENT PERMIT. (a) An
14 applicant for a permit to be a student in a barber school must:

15 (1) submit an enrollment application to the department
16 [~~board~~] in the form prescribed by the department [~~board~~];

17 (2) have completed the seventh grade;

18 (3) satisfy other requirements specified by the
19 department [~~board~~]; and

20 (4) submit with the application the required [~~a~~]
21 nonrefundable application fee [~~in an amount not to exceed \$25~~].

22 (b) A separate application is required for each enrollment,
23 reenrollment, or transfer enrollment. The application fee applies
24 only to the first enrollment. The department [~~board~~] may not charge
25 the application fee for any later enrollment, reenrollment, or
26 transfer enrollment.

27 SECTION 2.13. Section 1601.265, Occupations Code, is

1 amended to read as follows:

2 Sec. 1601.265. WAIVER OF LICENSE REQUIREMENTS; PERSONAL
3 INTERVIEW. (a) The department [~~board~~] may waive any license
4 requirement for an applicant holding a license from another state
5 or country that has license requirements substantially equivalent
6 to those of this state.

7 (b) The department [~~board~~] may not require a personal
8 interview as part of the application process.

9 SECTION 2.14. Section 1601.301(b), Occupations Code, is
10 amended to read as follows:

11 (b) Not later than the third day after the date the shop
12 opens, a [A] person who owns, operates, or manages a barbershop or
13 specialty shop must[+

14 [~~(1)~~] submit an application to the department [~~board~~]
15 for an appropriate permit for each shop, accompanied by a fee set by
16 commission rule[+, and

17 [~~(2) register with the board the person's full name and~~
18 ~~the location of each shop].~~

19 SECTION 2.15. Section 1601.303, Occupations Code, is
20 amended to read as follows:

21 Sec. 1601.303. ISSUANCE OF BARBERSHOP PERMIT. The
22 department [~~board~~] shall issue a barbershop permit to an applicant
23 if:

24 (1) the applicant owns the barbershop [~~holds a Class A~~
25 ~~barber certificate,~~

26 [~~(2) the applicant has practiced barbering for at~~
27 ~~least 12 months]; and~~

1 (2) [~~3~~] the shop meets the minimum health standards
2 for barbershops set by the commission [~~board~~] and all other
3 commission rules [~~of the board~~].

4 SECTION 2.16. Sections 1601.304(b) and (c), Occupations
5 Code, are amended to read as follows:

6 (b) An applicant for a manicurist specialty shop permit must
7 submit:

8 (1) an application that includes:

9 (A) the shop's address;

10 (B) the legal description of the premises for
11 which the permit is sought; and

12 (C) any other information required by the
13 department [~~board~~]; and

14 (2) the required [~~an~~] inspection fee [~~in an amount not~~
15 ~~to exceed \$50~~].

16 (c) As soon as practicable after receipt of the application
17 and fee, the department [~~board~~] shall issue a temporary manicurist
18 specialty shop permit to the applicant. The applicant may operate
19 the applicant's shop under the temporary permit until a permanent
20 permit is issued.

21 SECTION 2.17. Section 1601.305, Occupations Code, is
22 amended to read as follows:

23 Sec. 1601.305. ISSUANCE OF MANICURIST SPECIALTY SHOP
24 PERMIT. The department [~~board~~] shall issue a permanent manicurist
25 specialty shop permit to an applicant if:

26 (1) the applicant holds a manicurist license; and

27 (2) the shop meets the minimum health standards for

1 manicurist specialty shops set by the commission [~~board~~], as
2 determined by a department [~~board~~] inspection under Section
3 1603.103, and any other requirements imposed by commission [~~board~~]
4 rule.

5 SECTION 2.18. Section 1601.309, Occupations Code, is
6 amended to read as follows:

7 Sec. 1601.309. PRACTICE BY COSMETOLOGIST AT SPECIALTY SHOP
8 PROHIBITED. A person who holds a license, permit, or certificate
9 issued by the department under Chapter 1602 [~~Texas Cosmetology~~
10 ~~Commission~~] may not practice under that authority at a specialty
11 shop regulated under this chapter.

12 SECTION 2.19. Section 1601.352, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT. (a)
15 An applicant for a barber school permit must demonstrate to the
16 department [~~board~~] that the school meets the requirements of this
17 subchapter for issuance of a permit.

18 (b) Before issuing a barber school permit, the department
19 [~~board~~] must determine that the applicant is financially sound and
20 capable of fulfilling the applicant's commitments for training.

21 SECTION 2.20. Section 1601.353, Occupations Code, is
22 amended to read as follows:

23 Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) The
24 department [~~board~~] may not approve an application for a permit for a
25 barber school that provides training leading to issuance of a Class
26 A barber certificate unless the school has:

27 (1) an adequate school site housed in a substantial

1 building of permanent construction containing at least 2,800 square
2 feet of floor space, divided into:

- 3 (A) a senior department;
- 4 (B) a junior department;
- 5 (C) a class theory room;
- 6 (D) a supply room;
- 7 (E) an office space;
- 8 (F) a dressing and cloak room; and
- 9 (G) two sanitary, modern, separate restrooms,

10 each equipped with one commode and one of which is also equipped
11 with a urinal;

12 (2) a hard-surface floor-covering of tile or other
13 suitable material;

14 (3) at least 20 modern barber chairs, including a
15 cabinet and mirror for each chair;

16 (4) a lavatory behind every two barber chairs;

17 (5) a liquid sterilizer for each barber chair;

18 (6) an adequate number of latherers, vibrators, and
19 hair dryers for student use;

20 (7) adequate lighting for each room;

21 (8) at least 20 classroom chairs, a blackboard,
22 anatomical charts of the head, neck, and face, and one barber chair
23 in the class theory room;

24 (9) a library with library facilities available to
25 students containing at least one medical dictionary and a standard
26 work on human anatomy;

27 (10) adequate drinking fountain facilities, with at

1 least one for each floor;

2 (11) adequate toilet facilities for the students; and

3 (12) adequate fire-fighting equipment.

4 (b) An applicant for a barber school permit must submit to
5 the department [~~board~~]:

6 (1) a detailed drawing and chart of the proposed
7 physical layout of the school, showing the departments, floor
8 space, equipment, lights, and outlets;

9 (2) photographs of the proposed site for the school,
10 including the interior and exterior of the building, rooms, and
11 departments;

12 (3) a detailed copy of the training program;

13 (4) a copy of the catalogue and promotional literature
14 of the school;

15 (5) a copy of the building lease or proposed building
16 lease if the building is not owned by the school;

17 (6) a sworn statement showing the ownership of the
18 school; and

19 (7) the required [~~a~~] permit fee [~~not to exceed~~
20 ~~\$1,000~~].

21 SECTION 2.21. Section 1601.354, Occupations Code, is
22 amended to read as follows:

23 Sec. 1601.354. PREREQUISITES FOR GRADUATION. (a) The
24 department [~~board~~] may not approve an application for a barber
25 school permit unless the school requires as a prerequisite for
26 graduation the following hours of instruction:

27 (1) for a barber technician, 300 hours of instruction

1 completed in a course of not less than eight weeks;

2 (2) for a Class A barber, 1,500 hours of instruction
3 completed in a course of not less than nine months, at least 800
4 hours of which is in the actual practice of cutting hair as a
5 primary service;

6 (3) for a manicurist, 600 hours of instruction
7 completed in a course of not less than 16 weeks; and

8 (4) for a teacher, 1,000 hours of instruction
9 completed in a course of not less than six months.

10 (b) If a barber school offers a refresher course, the course
11 must require at least 300 hours of instruction. The commission
12 [~~board~~] by rule shall set the curriculum for a refresher course.

13 SECTION 2.22. Section 1601.355, Occupations Code, is
14 amended to read as follows:

15 Sec. 1601.355. SUPERVISION AND TEACHING REQUIREMENTS. (a)
16 The department [~~board~~] may not approve an application for a permit
17 for a barber school that provides training leading to issuance of a
18 Class A barber certificate unless the school is under the direct
19 supervision and control of a Class A barber certificate holder who
20 presents evidence of at least five years' experience as a
21 practicing barber.

22 (b) Each barber school for which a permit is sought must
23 have at least one teacher who has a teacher's certificate and is
24 capable and qualified to teach to the students the required
25 curriculum of the school. In addition to satisfying other
26 department [~~board~~] requirements, the teacher must demonstrate to
27 the department [~~board~~]:

(1) through a written and practical examination an ability to teach the curriculum; and

(2) that the teacher is qualified to teach and:

(A) has had at least six months' experience as a teacher in an approved school in this state or in another state approved by the department [~~board~~]; or

(B) has completed 1,000 hours of instruction in a postgraduate course as a student teacher in a department-approved [~~board-approved~~] barber school in this state.

SECTION 2.23. Sections 1601.3571(a) and (b), Occupations Code, are amended to read as follows:

(a) If on January 1 of any year the amount in the barber school tuition protection account is less than \$25,000, the department [~~board~~] shall collect a fee from each barber school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to \$25,000.

(b) The comptroller shall invest the account in the same manner as other state funds. Sufficient money from the account shall be appropriated to the department [~~board~~] for the purpose of refunding unused tuition if a barber school ceases operation before its course of instruction is complete. The department [~~board~~] shall administer claims made against the account.

SECTION 2.24. Section 1601.402(c), Occupations Code, is amended to read as follows:

(c) The department [~~board~~] shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the department [~~board~~], accompanied by a renewal

1 fee in an amount equal to the original certificate or license fee
2 [~~but not to exceed \$100~~].

3 SECTION 2.25. The heading to Section 1601.404, Occupations
4 Code, is amended to read as follows:

5 Sec. 1601.404. [~~RENEWAL OR~~] REINSTATEMENT OF EXPIRED
6 CERTIFICATE OR LICENSE BY RETIREE.

7 SECTION 2.26. Section 1601.404(c), Occupations Code, is
8 amended to read as follows:

9 (c) A Class A barber or license holder who retires from
10 practice and whose certificate or license has been expired for more
11 than five years may qualify for a new certificate or license by
12 applying to the department [~~board~~] and by:

13 (1) making a proper showing to the department [~~board~~],
14 supported by a personal affidavit;

15 (2) paying the required [~~an~~] examination fee [~~not to~~
16 ~~exceed \$100~~];

17 (3) passing a satisfactory examination conducted by
18 the department [~~board~~]; and

19 (4) paying the fee for an original certificate or
20 license.

21 SECTION 2.27. Section 1601.405, Occupations Code, is
22 amended to read as follows:

23 Sec. 1601.405. RENEWAL WHILE IN ARMED FORCES. (a) The
24 department [~~board~~] may not require a Class A barber, barber
25 technician, teacher, or manicurist who is serving on active duty in
26 the United States armed forces to renew the person's certificate or
27 license.

1 (b) The department [~~board~~] shall issue a renewal
2 certificate or license on application and payment of the required
3 [~~a~~] renewal fee not later than the 90th day after the date the
4 person is released or discharged from active duty in the armed
5 forces. [~~The renewal fee is:~~

6 [~~(1) \$10 if the application and payment are made~~
7 ~~during the period beginning November 1 of an odd-numbered year and~~
8 ~~ending October 31 of the following year; or~~

9 [~~(2) \$5 if the application and payment are made during~~
10 ~~the period beginning November 1 of an even-numbered year and ending~~
11 ~~October 31 of the following year.]~~

12 SECTION 2.28. Section 1601.406, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.406. RENEWAL OF BARBERSHOP OR SPECIALTY SHOP
15 PERMIT. (a) A barbershop permit or specialty shop permit expires
16 on the second anniversary of the date of issuance [~~on July 1 of each~~
17 ~~odd-numbered year~~].

18 (b) A barbershop permit holder may renew the permit by
19 paying the required [~~a~~] renewal fee [~~not to exceed \$70~~].

20 (c) A specialty shop permit holder may renew the permit by
21 submitting to the department [~~board~~] a renewal application
22 accompanied by the required [~~a~~] renewal fee [~~not to exceed \$50~~].

23 SECTION 2.29. Section 1601.407, Occupations Code, is
24 amended to read as follows:

25 Sec. 1601.407. RENEWAL OF BARBER SCHOOL PERMIT. (a) A
26 barber school permit expires on the first anniversary [~~September 1~~]
27 of the date of issuance [~~each year~~].

(b) A barber school may renew its permit by paying the required [a] renewal fee [~~not to exceed \$300~~].

SECTION 2.30. Section 1601.452, Occupations Code, is amended to read as follows:

Sec. 1601.452. DISPLAY OF SANITATION RULES. Each barbershop or specialty shop shall post in the shop a copy of the commission's sanitation [~~board's~~] rules [~~adopted under Section 1601.152~~].

SECTION 2.31. Section 1601.453, Occupations Code, is amended to read as follows:

Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by the department [~~board~~] may practice barbering only at a location for which the department [~~board~~] has issued a barbershop permit, specialty shop permit, or barber school permit.

SECTION 2.32. Section 1601.454, Occupations Code, is amended to read as follows:

Sec. 1601.454. PRACTICE AT FACILITY LICENSED OR PERMITTED AS BARBER AND COSMETOLOGIST FACILITY [~~BY BOARD AND TEXAS COSMETOLOGY COMMISSION~~]. (a) The commission [~~board~~] may not adopt rules to restrict or prohibit practice by a Class A barber or manicurist in a facility solely because the facility is licensed or permitted by [~~both~~] the department under both this chapter and Chapter 1602 [~~board and the Texas Cosmetology Commission~~].

(b) If a facility has a license or permit under both this chapter and Chapter 1602 [~~the board and the Texas Cosmetology Commission license or permit the same facility~~], the commission [~~board~~] may not adopt rules requiring separate treatment of the

1 barbers and cosmetologists practicing in the facility or of their
2 customers, including separate:

3 (1) work areas for barbers and cosmetologists;

4 (2) waiting areas for customers of the barbers and
5 cosmetologists; or

6 (3) restrooms for the barbers and cosmetologists
7 practicing in the facility or for their customers.

8 SECTION 2.33. Section 1601.501, Occupations Code, is
9 amended to read as follows:

10 Sec. 1601.501. DISPLAY OF SHOP [~~BARBERSHOP~~] PERMIT. A
11 barbershop or specialty shop permit holder must display the permit
12 in a conspicuous place in the shop for which the permit is issued.

13 SECTION 2.34. Section 1601.552, Occupations Code, is
14 amended to read as follows:

15 Sec. 1601.552. DISPLAY OF SANITATION RULES. Each barber
16 school shall post in the school a copy of the commission's
17 sanitation [~~board's~~] rules [~~adopted under Section 1601.152~~].

18 SECTION 2.35. Section 1601.554, Occupations Code, is
19 amended to read as follows:

20 Sec. 1601.554. CHANGE OF BARBER SCHOOL OWNERSHIP OR
21 LOCATION. (a) If a barber school changes ownership, the
22 department [~~board~~] must be notified of the change not later than the
23 10th day before the date the change takes effect.

24 (b) A barber school may not change the location of the
25 school unless the school obtains approval from the department
26 [~~board~~] before the change by showing that the proposed location
27 meets the requirements of Subchapter H for issuance of a permit to

1 the school.

2 SECTION 2.36. Section 1601.556, Occupations Code, is
3 amended to read as follows:

4 Sec. 1601.556. INFORMATION PROVIDED TO PROSPECTIVE
5 STUDENT. The holder of a barber school permit shall furnish each
6 prospective student with:

- 7 (1) a course outline;
- 8 (2) a schedule of the tuition and other fees assessed;
- 9 (3) the school's refund policy required under Section
10 1601.563;
- 11 (4) the school's grading policy and rules relating to
12 incomplete grades;
- 13 (5) the school's rules of operation and conduct,
14 including rules relating to absences;
- 15 (6) the department's [~~board's~~] name, mailing address,
16 and telephone number for the purpose of directing complaints to the
17 department [~~board~~]; and
- 18 (7) the current rates of job placement and employment
19 of students who complete a course of training.

20 SECTION 2.37. Section 1601.557, Occupations Code, is
21 amended to read as follows:

22 Sec. 1601.557. COURSE LENGTH AND CURRICULUM
23 CONTENT. (a) A barber school shall submit to the department
24 [~~board~~] for approval the course length and curriculum content for a
25 course offered by the school. The course length and curriculum
26 content shall be designed to reasonably ensure that a student
27 develops the job skills and knowledge necessary for employment.

1 The school may not implement a course length or curriculum content
2 unless it is approved by the department ~~[board]~~.

3 (b) Before issuing or renewing a permit under this chapter,
4 the department ~~[board]~~ shall require a school to account for all
5 course lengths and curriculum contents.

6 SECTION 2.38. Section 1601.559(b), Occupations Code, is
7 amended to read as follows:

8 (b) The department ~~[board]~~ may inspect a school's
9 attendance record book at any time.

10 SECTION 2.39. Section 1601.560(a), Occupations Code, is
11 amended to read as follows:

12 (a) In addition to the teacher required by Section
13 1601.355(b), a barber school that provides training leading to
14 issuance of a Class A barber certificate shall have at least one
15 qualified instructor, holding a Class A certificate, for every 25
16 ~~[20]~~ students on the school's premises ~~[for instruction in~~
17 ~~practical work]~~. A teacher may serve as an instructor in practical
18 work in addition to holding a position as a theory teacher.

19 SECTION 2.40. Section 1601.561, Occupations Code, is
20 amended to read as follows:

21 Sec. 1601.561. REPORTS TO DEPARTMENT ~~[BOARD]~~. (a) A barber
22 school shall maintain ~~[submit]~~ a monthly progress report ~~[to the~~
23 ~~board]~~ regarding each student attending the school. The report
24 must certify the daily attendance record of each student and the
25 number of credit hours earned by each student during the previous
26 month.

27 (b) On a student's completion of a prescribed course of

1 instruction, the school shall notify [~~certify to~~] the department
2 [~~board~~] that the student has completed the required number of hours
3 and is eligible to take the appropriate examination.

4 (c) A barber school permit holder shall furnish to the
5 department [~~board~~]:

6 (1) the current course completion rates of students
7 who attend a course of instruction offered by the school; and

8 (2) job placement rates and employment rates of
9 students who complete a course of instruction.

10 SECTION 2.41. Section 1601.566(d), Occupations Code, is
11 amended to read as follows:

12 (d) The department [~~board~~] may exempt a school from the
13 payment of interest if the school makes a good faith effort to
14 refund the tuition but is unable to locate the student. The school
15 shall provide to the department [~~board~~] on request documentation of
16 the school's effort to locate the student.

17 SECTION 2.42. Section 1601.603, Occupations Code, is
18 amended to read as follows:

19 Sec. 1601.603. DENIAL OF PERMIT; SUIT. (a) If the
20 department [~~board~~] denies an application for a barber school
21 permit, the school may request in writing the reasons for the
22 refusal.

23 (b) If the barber school meets the requirements for issuance
24 of the permit and shows that the requirements of this chapter have
25 been met, and the department [~~board~~] refuses to issue the permit,
26 the school may file suit in a district court in Travis County to
27 require the department [~~board~~] to issue the permit.

1 (c) A suit under Subsection (b) must be filed not later than
2 the 20th day after the date of the department's [~~board's~~] final
3 order denying issuance of the permit, if registered notice of the
4 order is mailed or it is otherwise shown that the school had notice
5 of the order not later than the 10th day after the date the
6 department [~~board~~] entered the order.

7 SECTION 2.43. Section 1601.604(a), Occupations Code, is
8 amended to read as follows:

9 (a) The commission [~~board~~] shall suspend or revoke the
10 permit of a barber school that directly or indirectly violates this
11 chapter.

12 SECTION 2.44. Section 1601.605, Occupations Code, is
13 amended to read as follows:

14 Sec. 1601.605. PROBATION FOR ALTERING COURSE LENGTH. The
15 commission [~~board~~] shall place on probation a barber school that
16 alters a course length below or above industry standards until the
17 school:

18 (1) provides justification for the alteration; or

19 (2) adjusts the course length to meet industry
20 standards.

21 SECTION 2.45. Sections 1601.606(a), (b), and (c),
22 Occupations Code, are amended to read as follows:

23 (a) If the department [~~board~~] has reasonable cause to
24 believe that a barber school has violated this chapter or a rule
25 adopted under this chapter, the department [~~board~~] may:

26 (1) order a peer review of the school; or

27 (2) suspend the admission of students to the school.

1 (b) The peer review shall be conducted by a peer review team
2 consisting of knowledgeable persons selected by the department
3 ~~[board]~~. The department ~~[board]~~ shall attempt to provide a balance
4 on a peer review team between members assigned to the team who are
5 from this state and members who are from other states.

6 (c) The peer review team shall provide the department
7 ~~[board]~~ with an objective assessment of the school's curriculum
8 content and its application.

9 SECTION 2.46. Section 1601.653(a), Occupations Code, is
10 amended to read as follows:

11 (a) A person commits an offense if the person is a barber
12 inspector or other department ~~[board]~~ employee and the person sells
13 barber supplies or engages in a business, other than barbering,
14 that deals directly with a barber, barbershop, specialty shop, or
15 barber school.

16 ARTICLE 3. REGULATION OF COSMETOLOGY

17 SECTION 3.01. Section 1602.001, Occupations Code, is
18 amended to read as follows:

19 Sec. 1602.001. GENERAL DEFINITIONS. In this chapter:

20 (1) "Board" means the Advisory Board on Cosmetology.

21 (2) "Commission" means the Texas [Cosmetology]
22 Commission of Licensing and Regulation.

23 (3) "Department" means the Texas Department of
24 Licensing and Regulation.

25 (4) "Executive director" means the executive director
26 of the department.

27 (5) ~~[(2)]~~ "Public school" includes a public high

1 school, a public junior college, or any other nonprofit tax-exempt
2 institution that conducts a cosmetology program.

3 SECTION 3.02. The heading to Subchapter B, Chapter 1602,
4 Occupations Code, is amended to read as follows:

5 SUBCHAPTER B. ADVISORY BOARD ON ~~[TEXAS]~~ COSMETOLOGY ~~[COMMISSION]~~

6 SECTION 3.03. The heading to Section 1602.051, Occupations
7 Code, is amended to read as follows:

8 Sec. 1602.051. BOARD ~~[COMMISSION]~~; MEMBERSHIP.

9 SECTION 3.04. Section 1602.051(a), Occupations Code, is
10 amended to read as follows:

11 ~~[(a)]~~ The Advisory Board on ~~[Texas]~~ Cosmetology
12 ~~[Commission]~~ consists of five ~~[six]~~ members appointed by the
13 presiding officer of the commission, with the commission's
14 approval, ~~[governor with the advice and consent of the senate]~~ as
15 follows:

16 (1) one member who holds a license for a beauty shop
17 that is part of a chain of beauty shops ~~[license];~~

18 (2) one member who holds a license for a beauty shop
19 that is not part of a chain of beauty shops;

20 (3) one member who holds a private beauty culture
21 school license; and

22 (4) ~~[(3)]~~ two members who each hold an operator
23 license~~[, and~~

24 ~~[(4)] two members who represent the public].~~

25 SECTION 3.05. Sections 1602.055(a) and (c), Occupations
26 Code, are amended to read as follows:

27 (a) Members of the board ~~[commission]~~ serve staggered

1 six-year terms, with the terms of one or two members expiring on the
2 same date [~~December 31 of~~] each odd-numbered year.

3 (c) If a vacancy occurs during a member's term, the
4 presiding officer of the commission, with the commission's
5 approval, [governor] shall appoint a replacement to fill the
6 unexpired term.

7 SECTION 3.06. The heading to Section 1602.058, Occupations
8 Code, is amended to read as follows:

9 Sec. 1602.058. PRESIDING OFFICER[~~, COMMITTEES~~].

10 SECTION 3.07. Section 1602.058(a), Occupations Code, is
11 amended to read as follows:

12 [~~(a)~~] The presiding officer of the commission, with the
13 commission's approval, [governor] shall designate one member of the
14 commission as presiding officer to serve in that capacity for a
15 two-year term [~~at the pleasure of the governor~~].

16 SECTION 3.08. Subchapter B, Chapter 1602, Occupations Code,
17 is amended by adding Section 1602.060 to read as follows:

18 Sec. 1602.060. BOARD DUTIES. (a) The board shall advise
19 the commission and the department on:

20 (1) education and curricula for applicants;
21 (2) the content of examinations;
22 (3) proposed rules and standards on technical issues
23 related to cosmetology; and

24 (4) other issues affecting cosmetology.

25 (b) The board shall respond to questions from the department
26 and the commission regarding cosmetology.

27 SECTION 3.09. The heading to Subchapter D, Chapter 1602,

Occupations Code, is amended to read as follows:

SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

SECTION 3.10. Sections 1602.153(a) and (b), Occupations Code, are amended to read as follows:

(a) The department [~~commission~~] may request and, if necessary, compel by subpoena:

(1) the attendance of a witness for examination under oath; and

(2) the production for inspection and copying of records and other evidence relevant to the investigation of an alleged violation of this chapter.

(b) If a person fails to comply with a subpoena issued under this section, the department [~~commission~~], acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by the department [~~commission~~] may be held.

SECTION 3.11. Section 1602.251(c), Occupations Code, is amended to read as follows:

(c) A person licensed by the department [~~commission~~] may practice cosmetology only at a facility operated by a person holding a beauty shop license, private beauty culture school license, or other license issued by the department [~~commission~~].

SECTION 3.12. Section 1602.258(b), Occupations Code, is amended to read as follows:

(b) To be eligible for a specialty certificate, an applicant must:

(1) be at least 17 years of age;

1 (2) have obtained a high school diploma or the
2 equivalent of a high school diploma or have passed a valid
3 examination administered by a certified testing agency that
4 measures the person's ability to benefit from training; and

5 (3) have the necessary requisites as determined by the
6 department [~~commission~~] in the particular specialty for which
7 certification is sought, including training through a
8 commission-approved training program.

9 SECTION 3.13. Sections 1602.266(a) and (b), Occupations
10 Code, are amended to read as follows:

11 (a) The department [~~commission~~] shall require a student
12 enrolled in a school of cosmetology in this state to hold a permit
13 stating the student's name and the name of the school. The permit
14 shall be displayed in a reasonable manner at the school.

15 (b) The department [~~commission~~] shall issue a student
16 permit to an applicant who submits an application to the department
17 [~~commission~~] for a student permit accompanied by the required fee.

18 SECTION 3.14. Section 1602.267(b), Occupations Code, is
19 amended to read as follows:

20 (b) The department [~~commission~~] shall issue a shampoo
21 apprentice permit to an applicant who[+]

22 [~~(1)~~] is at least 16 years of age[+and

23 [~~(2)~~ submits a certificate of health as required by
24 ~~Section 1602.253~~].

25 SECTION 3.15. Section 1602.302(b), Occupations Code, is
26 amended to read as follows:

27 (b) An application for a beauty shop license must be

1 accompanied by the required inspection fee and:

2 (1) be on a form prescribed by the department
3 ~~[commission]~~;

4 (2) contain proof of the particular requisites for a
5 beauty shop established by the commission; and

6 (3) be verified by the applicant.

7 SECTION 3.16. Sections 1602.303(b) and (c), Occupations
8 Code, are amended to read as follows:

9 (b) An application for a private beauty culture school
10 license must be accompanied by the required license fee and
11 inspection fee and:

12 (1) be on a form prescribed by the department
13 ~~[commission]~~;

14 (2) be verified by the applicant;

15 (3) contain a detailed floor plan of the school
16 building divided into two separate areas, one area for instruction
17 in theory and one area for clinic work; and

18 (4) contain a statement that the building:

19 (A) is fireproof;

20 (B) is of permanent construction;

21 (C) contains a minimum of 3,500 square feet of
22 floor space;

23 (D) has separate restrooms for male and female
24 students; and

25 (E) contains, or will contain before classes
26 begin, the equipment established by commission rule as sufficient
27 to properly instruct a minimum of 50 students.

(c) The applicant is entitled to a private beauty culture school license if:

(1) the department [~~commission~~] determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;

(2) the applicant's facilities pass an inspection conducted by the department under Section 1603.103 [~~commission~~]; and

(3) the applicant has not committed an act that constitutes a ground for denial of a license.

SECTION 3.17. Section 1602.305(b), Occupations Code, is amended to read as follows:

(b) An application for a specialty shop license must be accompanied by the required inspection fee and:

(1) be on a form prescribed by the department [~~commission~~];

(2) contain proof of the particular requisites for a specialty shop as established by the commission; and

(3) be verified by the applicant.

SECTION 3.18. Section 1602.306(b), Occupations Code, is amended to read as follows:

(b) An application for a booth rental license must:

(1) be on a form prescribed by the department [~~commission~~];

(2) contain information as required by commission rule; and

(3) be verified by the applicant.

SECTION 3.19. The heading to Section 1602.352, Occupations Code, is amended to read as follows:

Sec. 1602.352. REQUIREMENT FOR FIRST [~~PROCEDURE FOR~~] RENEWAL OF LICENSE [~~OR REINSTATEMENT~~].

SECTION 3.20. Subchapter H, Chapter 1602, Occupations Code, is amended by adding Section 1602.353 to read as follows:

Sec. 1602.353. INACTIVE STATUS. (a) Not later than the 10th day before the expiration date of a certificate or license issued under this chapter, the certificate or license holder may place the certificate or license on inactive status by:

(1) submitting an application for inactive status to the department on a form prescribed by the department; and

(2) paying the required fee.

(b) Except as provided by Subsection (e), a person whose certificate or license is on inactive status is not required to complete continuing education required under this chapter.

(c) A person whose certificate or license is on inactive status may reapply for inactive status before the expiration date of the certificate or license. The person must pay the required fee.

(d) A license holder may not employ a person on inactive status.

(e) A person on inactive status may return the certificate or license to active status by:

(1) applying to the department for active status on a form prescribed by the department;

(2) paying the required fee; and

1 (3) providing evidence satisfactory to the department
2 that the person has completed the number of hours of continuing
3 education that would otherwise have been required for a renewal of
4 an active license for the preceding two-year license period.

5 (f) The commission may set fees and adopt rules to implement
6 this section.

7 SECTION 3.21. Section 1602.405, Occupations Code, is
8 amended to read as follows:

9 Sec. 1602.405. PRACTICE AT FACILITY LICENSED OR PERMITTED
10 AS BARBER AND COSMETOLOGIST FACILITY [~~BY COMMISSION AND STATE BOARD~~
11 ~~OF BARBER EXAMINERS~~]. (a) The commission may not adopt rules to
12 restrict or prohibit practice by a cosmetologist in a facility
13 solely because the facility is licensed or permitted by [~~both~~] the
14 department under both this chapter and Chapter 1601 [~~commission and~~
15 ~~the State Board of Barber Examiners~~].

16 (b) If a facility has a license or permit under both this
17 chapter and Chapter 1601 [~~the commission and the State Board of~~
18 ~~Barber Examiners license the same facility~~], the commission may not
19 adopt rules requiring separate treatment of the barbers and
20 cosmetologists practicing in the facility or of their customers,
21 including separate:

- 22 (1) work areas for barbers and cosmetologists;
23 (2) waiting areas for customers of the barbers and
24 cosmetologists; or
25 (3) restrooms for the barbers and cosmetologists
26 practicing in the facility or for their customers.

27 SECTION 3.22. Section 1602.451(a), Occupations Code, is

1 amended to read as follows:

2 (a) The holder of a private beauty culture school license
3 shall:

4 (1) maintain a sanitary establishment;

5 (2) maintain on its staff and on duty during business
6 hours one full-time licensed instructor for each 25 students in
7 attendance;

8 (3) maintain a daily record of students' attendance;

9 (4) establish regular class and instruction hours and
10 grades;

11 (5) require a school term of not less than nine months
12 and not less than 1,500 hours instruction for a complete course in
13 cosmetology;

14 (6) require a school term of not less than 600 hours
15 instruction for a complete course in manicuring;

16 (7) hold examinations before issuing diplomas;

17 (8) maintain a copy of the school's curriculum in a
18 conspicuous place and verify that the curriculum is being followed;

19 (9) publish in the school's catalogue and enrollment
20 contract a description of the refund policy required under Section
21 1602.458; and

22 (10) ~~[submit to the executive director the name of~~
23 ~~each student within 10 days after the date the student enrolls in~~
24 ~~the school and notify the executive director of the withdrawal or~~
25 ~~graduation of a student not later than the 10th day after the date~~
26 ~~the student withdraws or graduates; and~~

27 ~~[(11)]~~ provide the department ~~[commission]~~ with

information on:

(A) the current course completion rates of students who attend a course of instruction offered by the school; and

(B) job placement rates and employment rates of students who complete the course of instruction.

SECTION 3.23. Section 1602.452, Occupations Code, is amended to read as follows:

Sec. 1602.452. INFORMATION PROVIDED TO PROSPECTIVE STUDENT. The holder of a private beauty culture school license shall furnish each prospective student with:

- (1) a course outline;
- (2) a schedule of the tuition and other fees assessed;
- (3) the refund policy required under Section 1602.458;
- (4) the school grading policy and rules relating to incomplete grades;
- (5) the school rules of operation and conduct, including rules relating to absences;
- (6) the name, mailing address, and telephone number of the department [~~commission~~] for the purpose of directing complaints to the department [~~commission~~]; and
- (7) the current rates of job placement and employment of students who complete a course of training.

SECTION 3.24. Section 1602.453(c), Occupations Code, is amended to read as follows:

(c) Before issuing or renewing a license under this chapter, the department [~~commission~~] shall require a school to account for

each course length and curriculum content.

SECTION 3.25. Section 1602.454, Occupations Code, is amended to read as follows:

Sec. 1602.454. STUDENT RECORD. A private beauty culture school shall notify ~~[send to]~~ the department ~~[commission]~~ ~~a certified copy of a student's record, indicating all course hours completed by the student and whether the agreed tuition has been paid,~~ when a [the] student~~+~~

~~[(1)] graduates from a course of training offered by the school and is eligible to take the appropriate examination[, or [(2)] withdraws or transfers from a course of training without completion of the training].~~

SECTION 3.26. Section 1602.460(d), Occupations Code, is amended to read as follows:

(d) The department ~~[commission]~~ may exempt a school from the payment of interest if the school makes a good faith effort to refund the tuition but is unable to locate the student. The school shall provide to the department ~~[commission]~~ on request documentation of the effort to locate the student.

SECTION 3.27. Section 1602.463(a), Occupations Code, is amended to read as follows:

(a) If a private beauty culture school closes, the department ~~[commission]~~ shall attempt to arrange for students enrolled in the closed school to attend another private beauty culture school.

SECTION 3.28. Sections 1602.464(a) and (b), Occupations Code, are amended to read as follows:

1 (a) If on January 1 of any year the amount in the private
2 beauty culture school tuition protection account is less than
3 \$200,000, the department [~~commission~~] shall collect a fee from each
4 private beauty culture school during that year by applying a
5 percentage to the school's renewal fee at a rate that will bring the
6 balance of the account to \$200,000.

7 (b) The comptroller shall invest the account in the same
8 manner as other state funds. Sufficient money from the account
9 shall be appropriated to the department [~~commission~~] for the
10 purpose described by Section 1602.463. The department [~~commission~~]
11 shall administer claims made against the account.

12 SECTION 3.29. Sections 1602.465(a), (b), and (c),
13 Occupations Code, are amended to read as follows:

14 (a) If the department [~~commission~~] has reasonable cause to
15 believe that a private beauty culture school has violated this
16 chapter or a rule adopted under this chapter, the department
17 [~~commission~~] may:

18 (1) order a peer review of the school; or

19 (2) suspend the admission of students to the school.

20 (b) The peer review shall be conducted by a peer review team
21 consisting of knowledgeable persons selected by the department
22 [~~commission~~]. The department [~~commission~~] shall attempt to provide
23 a balance on each team between members assigned to the team who are
24 from this state and those who are from other states.

25 (c) The team shall provide the department [~~commission~~] with
26 an objective assessment of the content of the school's curriculum
27 and its application.

ARTICLE 4. CONFORMING AMENDMENTS

SECTION 4.01. Section 232.002, Family Code, is amended to read as follows:

Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER.

The following are licensing authorities subject to this chapter:

(1) Department of Agriculture;

(2) ~~[(Texas Commission on Alcohol and Drug Abuse,~~

~~(3)]~~ Texas Alcoholic Beverage Commission;

(3) ~~[(4)]~~ Texas Appraiser Licensing and Certification

Board;

(4) ~~[(5)]~~ Texas Board of Architectural Examiners;

(5) ~~[(6)]~~ ~~State Board of Barber Examiners,~~

~~[(7)]~~ Texas Board of Chiropractic Examiners;

(6) ~~[(8)]~~ Comptroller of Public Accounts;

(7) ~~[(9)]~~ ~~Texas Cosmetology Commission,~~

~~[(10)]~~ Court Reporters Certification Board;

(8) ~~[(11)]~~ State Board of Dental Examiners;

(9) ~~[(12)]~~ Texas State Board of Examiners of

Dietitians;

(10) ~~[(13)]~~ Texas Funeral Service Commission;

(11) ~~[(14)]~~ ~~Texas~~ Department of State Health Services

~~[Health]~~;

(12) ~~[(15)]~~ ~~Texas~~ Department of Aging and Disability

~~[Human]~~ Services;

(13) ~~[(16)]~~ Texas Board of Professional Land

Surveying;

(14) ~~[(17)]~~ Texas Department of Licensing and

1 Regulation;
2 (15) [~~(18)~~] Texas State Board of Examiners of Marriage
3 and Family Therapists;
4 (16) [~~(19)~~] Texas State Board of Medical Examiners;
5 (17) [~~(20)~~] Midwifery Board;
6 (18) [~~(21)~~] Texas Commission on Environmental
7 Quality;
8 (19) [~~(22)~~] Board of Nurse Examiners;
9 (20) [~~(23)~~] Texas Board of Occupational Therapy
10 Examiners;
11 (21) [~~(24)~~] Texas Optometry Board;
12 (22) [~~(25)~~] Parks and Wildlife Department;
13 (23) [~~(26)~~] Texas State Board of Examiners of
14 Perfusionists;
15 (24) [~~(27)~~] Texas State Board of Pharmacy;
16 (25) [~~(28)~~] Texas Board of Physical Therapy
17 Examiners;
18 (26) [~~(29)~~] Texas State Board of Plumbing Examiners;
19 (27) [~~(30)~~] Texas State Board of Podiatric Medical
20 Examiners;
21 (28) [~~(31)~~] Polygraph Examiners Board;
22 (29) [~~(32)~~] Texas [~~Commission on~~] Private Security
23 Board;
24 (30) [~~(33)~~] Texas State Board of Examiners of
25 Professional Counselors;
26 (31) [~~(34)~~] Texas Board of Professional Engineers;
27 (32) [~~(35)~~] Department of Family and Protective [~~and~~

1 ~~Regulatory~~] Services;
2 (33) [~~(36)~~] Texas State Board of Examiners of
3 Psychologists;
4 (34) [~~(37)~~] Texas State Board of Public Accountancy;
5 (35) [~~(38)~~] Department of Public Safety of the State
6 of Texas;
7 (36) [~~(39)~~] Public Utility Commission of Texas;
8 (37) [~~(40)~~] Railroad Commission of Texas;
9 (38) [~~(41)~~] Texas Real Estate Commission;
10 (39) [~~(42)~~] State Bar of Texas;
11 (40) [~~(43)~~] Texas State Board of Social Worker
12 Examiners;
13 (41) [~~(44)~~] State Board of Examiners for
14 Speech-Language Pathology and Audiology;
15 (42) [~~(45)~~] Texas Structural Pest Control Board;
16 (43) [~~(46)~~] Board of Tax Professional Examiners;
17 (44) [~~(47)~~] Secretary of State;
18 (45) [~~(48)~~] Supreme Court of Texas;
19 (46) [~~(49)~~] Texas Transportation Commission;
20 (47) [~~(50)~~] State Board of Veterinary Medical
21 Examiners;
22 (48) [~~(51)~~] Texas Ethics Commission;
23 (49) [~~(52)~~] Advisory Board of Athletic Trainers;
24 (50) [~~(53)~~] State Committee of Examiners in the
25 Fitting and Dispensing of Hearing Instruments;
26 (51) [~~(54)~~] Texas Board of Licensure for Professional
27 Medical Physicists;

1 (52) [~~(55)~~] Texas Department of Insurance;
2 (53) [~~(56)~~] Texas Board of Orthotics and Prosthetics;
3 (54) [~~(57)~~] savings and loan commissioner;
4 (55) [~~(58)~~] Texas Juvenile Probation Commission; and
5 (56) [~~(59)~~] Texas Lottery Commission under Chapter
6 466, Government Code.

7 SECTION 4.02. Section 411.122(d), Government Code, is
8 amended to read as follows:

9 (d) The following state agencies are subject to this
10 section:

11 (1) Texas Appraiser Licensing and Certification
12 Board;

13 (2) Texas Board of Architectural Examiners;

14 (3) [~~State Board of Barber Examiners,~~

15 ~~(4)]~~ Texas Board of Chiropractic Examiners;

16 (4) [~~(5)~~] ~~Texas Cosmetology Commission,~~

17 ~~(6)]~~ State Board of Dental Examiners;

18 (5) [~~(7)~~] Texas Board of Professional Engineers;

19 (6) [~~(8)~~] Texas Funeral Service Commission;

20 (7) [~~(9)~~] Texas Board of Professional Geoscientists;

21 (8) [~~(10)~~ ~~Texas~~] Department of State Health Services,

22 except as provided by Section 411.110, and agencies attached to the
23 department, including:

24 (A) Texas State Board of Examiners of Dietitians;

25 (B) Texas State Board of Examiners of Marriage
26 and Family Therapists;

27 (C) Midwifery Board;

1 (D) Texas State Board of Examiners of
2 Perfusionists;
3 (E) Texas State Board of Examiners of
4 Professional Counselors;
5 (F) Texas State Board of Social Worker Examiners;
6 (G) State Board of Examiners for Speech-Language
7 Pathology and Audiology;
8 (H) Advisory Board of Athletic Trainers;
9 (I) State Committee of Examiners in the Fitting
10 and Dispensing of Hearing Instruments;
11 (J) Texas Board of Licensure for Professional
12 Medical Physicists; and
13 (K) Texas Board of Orthotics and Prosthetics;
14 (9) [~~(11)~~] Texas Board of Professional Land
15 Surveying;
16 (10) [~~(12)~~] Texas Department of Licensing and
17 Regulation, except as provided by Section 411.093;
18 (11) [~~(13)~~] Texas Commission on Environmental
19 Quality;
20 (12) [~~(14)~~] Texas Board of Occupational Therapy
21 Examiners;
22 (13) [~~(15)~~] Texas Optometry Board;
23 (14) [~~(16)~~] Texas State Board of Pharmacy;
24 (15) [~~(17)~~] Texas Board of Physical Therapy
25 Examiners;
26 (16) [~~(18)~~] Texas State Board of Plumbing Examiners;
27 (17) [~~(19)~~] Texas State Board of Podiatric Medical

Examiners;

(18) [~~(20)~~] Polygraph Examiners Board;

(19) [~~(21)~~] Texas State Board of Examiners of
Psychologists;

(20) [~~(22)~~] Texas Real Estate Commission;

(21) [~~(23)~~] Board of Tax Professional Examiners;

(22) [~~(24)~~] Texas Department of Transportation;

(23) [~~(25)~~] State Board of Veterinary Medical
Examiners;

(24) [~~(26)~~] ~~Board of Vocational Nurse Examiners,~~

[~~(27)~~] Texas Department of Housing and Community
Affairs;

(25) [~~(28)~~] secretary of state;

(26) [~~(29)~~] state fire marshal;

(27) [~~(30)~~] Texas Education Agency; and

(28) [~~(31)~~] Department of Agriculture.

SECTION 4.03. Section 2054.352(a), Government Code, is
amended to read as follows:

(a) The following licensing entities shall participate in
the system established under Section 2054.353[~~, as added by Chapter~~
~~353, Acts of the 77th Legislature, Regular Session, 2001~~]:

(1) [~~State Board of Barber Examiners,~~

[~~(2)~~] Texas Board of Chiropractic Examiners;

(2) [~~(3)~~] ~~Texas Cosmetology Commission,~~

[~~(4)~~] Court Reporters Certification Board;

(3) [~~(5)~~] State Board of Dental Examiners;

(4) [~~(6)~~] Texas Funeral Service Commission;

1 (5) [~~(7)~~] Texas Board of Professional Land Surveying;
2 (6) [~~(8)~~] Texas State Board of Medical Examiners;
3 (7) [~~(9)~~] Board of Nurse Examiners;
4 (8) [~~(10)~~] Texas Optometry Board;
5 (9) [~~(11)~~] Texas Structural Pest Control Board;
6 (10) [~~(12)~~] Texas State Board of Pharmacy;
7 (11) [~~(13)~~] Executive Council of Physical Therapy and
8 Occupational Therapy Examiners;
9 (12) [~~(14)~~] Texas State Board of Plumbing Examiners;
10 (13) [~~(15)~~] Texas State Board of Podiatric Medical
11 Examiners;
12 (14) [~~(16)~~] Board of Tax Professional Examiners;
13 (15) [~~(17)~~] Polygraph Examiners Board;
14 (16) [~~(18)~~] Texas State Board of Examiners of
15 Psychologists;
16 (17) [~~(19)~~] State Board of Veterinary Medical
17 Examiners;
18 (18) [~~(20)~~] Texas Real Estate Commission;
19 (19) [~~(21)~~] Texas Appraiser Licensing and
20 Certification Board;
21 (20) [~~(22)~~] Texas Department of Licensing and
22 Regulation;
23 (21) [~~(24)~~] Texas State Board of Public Accountancy;
24 (22) [~~(25)~~] State Board for Educator Certification;
25 (23) [~~(26)~~] Texas Board of Professional Engineers;
26 (24) [~~(27)~~—Texas] Department of State Health
27 Services;

1 (25) [~~(28)~~] Texas Board of Architectural Examiners;
2 (26) [~~(29)~~] Texas Racing Commission;
3 (27) [~~(30)~~] Commission on Law Enforcement Officer
4 Standards and Education; and
5 (28) [~~(31)~~] Texas [~~Commission on~~] Private Security
6 Board.

7 ARTICLE 5. REPEALER

8 SECTION 5.01. The following laws are repealed:

9 (1) Subchapters C, D, E, and O, Chapter 1601,
10 Occupations Code;
11 (2) Subchapters C, E, and K, Chapter 1602, Occupations
12 Code; and
13 (3) Sections 1601.004, 1601.051(b) and (c), 1601.052,
14 1601.053, 1601.054, 1601.056, 1601.057, 1601.252, 1601.261,
15 1601.262, 1601.263, 1601.264, 1601.266, 1601.267, 1601.302,
16 1601.310, 1601.311, 1601.356, 1601.401, 1601.402(d), 1601.403,
17 1601.404(a) and (b), 1601.408, 1601.502, 1601.503, 1601.506,
18 1601.601, 1601.651, 1601.654, 1602.004, 1602.051(b) and (c),
19 1602.052, 1602.053, 1602.054, 1602.055(b), 1602.056, 1602.057,
20 1602.058(b), 1602.059, 1602.151, 1602.152, 1602.154, 1602.155,
21 1602.252, 1602.253, as amended by Chapter 1282, Acts of the 78th
22 Legislature, Regular Session, 2003, 1602.259, 1602.260, 1602.261,
23 1602.263, 1602.264, 1602.265, 1602.303(d), 1602.304(b),
24 1602.351(d), 1602.352(b)-(f), 1602.407, 1602.551, 1602.552,
25 1602.553, and 1602.555, Occupations Code.

26 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

27 SECTION 6.01. (a) The State Board of Barber Examiners and

1 the Texas Cosmetology Commission are abolished but continue in
2 existence until January 1, 2006, for the sole purpose of
3 transferring obligations, property, full-time equivalent
4 positions, rights, powers, and duties to the Texas Department of
5 Licensing and Regulation. The Texas Department of Licensing and
6 Regulation assumes all of the obligations, property, full-time
7 equivalent positions, rights, powers, and duties of the State Board
8 of Barber Examiners and the Texas Cosmetology Commission, as they
9 exist immediately before the effective date of this Act. All
10 unexpended funds appropriated to the State Board of Barber
11 Examiners and the Texas Cosmetology Commission are transferred to
12 the Texas Department of Licensing and Regulation. The transfer of
13 the obligations, property, full-time equivalent positions, rights,
14 powers, and duties of the State Board of Barber Examiners and the
15 Texas Cosmetology Commission to the Texas Department of Licensing
16 and Regulation must be completed not later than January 1, 2006.

17 (b) All rules of the State Board of Barber Examiners and the
18 Texas Cosmetology Commission are continued in effect as rules of
19 the Texas Commission of Licensing and Regulation until superseded
20 by a rule of the Texas Commission of Licensing and Regulation. A
21 certificate, license, or permit issued by the State Board of Barber
22 Examiners or the Texas Cosmetology Commission is continued in
23 effect as provided by the law in effect immediately before the
24 effective date of this Act. A complaint, investigation, contested
25 case, or other proceeding pending on the effective date of this Act
26 is continued without change in status after the effective date of
27 this Act. An inspection or other activity conducted by the State

1 Board of Barber Examiners or the Texas Cosmetology Commission is
2 considered to be an inspection or activity conducted by the Texas
3 Department of Licensing and Regulation, including an inspection or
4 other activity conducted for purposes of allowing a school, shop,
5 or facility to continue to operate under Section 1603.103,
6 Occupations Code, as added by this Act.

7 (c) A reference in another law or an administrative rule to
8 the State Board of Barber Examiners or the Texas Cosmetology
9 Commission means the Texas Department of Licensing and Regulation.

10 SECTION 6.02. Sections 1602.353 and 1603.352, Occupations
11 Code, as added by this Act, take effect January 1, 2006.

12 SECTION 6.03. This Act takes effect September 1, 2005.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/20/2005
(date)

Sir:

We, your COMMITTEE ON GOVERNMENT REFORM

to whom was referred H.B. 1436 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (x) yes () no A fiscal note was requested.
- () yes (x) no A criminal justice policy impact statement was requested.
- () yes (x) no An equalized educational funding impact statement was requested.
- () yes (x) no An actuarial analysis was requested.
- () yes (x) no A water development policy impact statement was requested.
- () yes (x) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

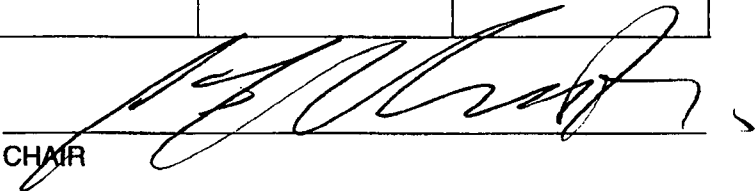
Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Uresti, Chair	<input checked="" type="checkbox"/>			
Otto, Vice-chair				<input checked="" type="checkbox"/>
Davis	<input checked="" type="checkbox"/>			
Frost	<input checked="" type="checkbox"/>			
Gonzales	<input checked="" type="checkbox"/>			
Hunter	<input checked="" type="checkbox"/>			
Veasey	<input checked="" type="checkbox"/>			

Total

6 aye
0 nay
0 present, not voting
1 absent


CHAIR

BILL ANALYSIS

C.S.H.B. 1436
By: Hamric
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas State Board of Barber Examiners and the Texas Cosmetology Commission regulate barbers and cosmetologists to protect the health and safety of the public. The agencies perform two major functions: licensing barbers, cosmetologists, instructors, shops, salons, and schools; and enforcing the Barber and Cosmetology Acts and agency rules by investigating complaints and conducting inspections.

The Board and Commission are subject to the Sunset Act and will be abolished on September 1, 2005, unless continued by the Legislature. The Sunset review found that the agencies are not effective in carrying out their regulatory duties, and that some aspects of the regulation of barbering and cosmetology did not protect the public and wasted resources. As a result of its review, the Sunset Advisory Commission recommended abolishing both agencies, transferring their functions to the Texas Department of Licensing and Regulation (TDLR), and making other statutory modifications that are contained in this bill.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1.01; SECTIONS 2.14, 2.15, 2.17, 2.21; SECTION 3.20; and SECTION 6.01.

ANALYSIS

C.S.H.B. 1436 abolishes the Texas State Board of Barber Examiners and the Texas Cosmetology Commission and transfers the agencies' functions to the Texas Department of Licensing and Regulation. The bill creates two new advisory committees at TDLR to advise the Texas Commission of Licensing and Regulation on technical matters relating to barbering and cosmetology. The bill provides for composition requirements and duties of the advisory boards, and gives rulemaking authority to the Texas Commission of Licensing and Regulation.

C.S.H.B. 1436 requires the agency to focus its resources on inspection of barber and cosmetology facilities that violate sanitation rules. The bill requires that facilities be inspected at least once every two years and requires TDLR to establish a schedule of risk-based inspections based on certain criteria, including the inspection history of the facility and prior sanitation violations. The bill also clarifies TDLR's authority to charge inspection fees.

C.S.H.B. 1436 authorizes provisional licenses for barbers, standardizes license renewal processes by authorizing denial of license renewal for both barbers and cosmetologists based on outstanding administrative fines, and establishes standard time frames and penalties for late license renewal. The bill eliminates the requirement for barber health certificates for licensure.

C.S.H.B. 1436 requires development of a method for violation and complaint trend analysis and an annual compilation of detailed statistics on violations and complaints. The bill updates language on complaints to require the agency to adopt procedures for all phases of the complaint process, including complaint receipt, investigation, adjudication, resulting sanctions, and disclosure to the public. The bill also standardizes language on administrative sanctions to specify a full range of penalties to allow the agency to probate a suspended license and requires the agency to have clear probation standards in rule if it uses probation as a sanction. The bill requires adoption of guidelines for informal settlement conferences and removes the requirement

that automatically schedules hearings at the State Office of Administrative Hearings for both barber and cosmetology licensees who fail to respond to notices of violations from the agencies.

C.S.H.B. 1436 requires cosmetology and barber nail salons to use autoclaves to sanitize non-disposable instruments. The bill also specifies that salons may only use a disposable instrument if it is bought at the location that the service is performed or provided by the person on whom the service is performed.

C.S.H.B. 1436 authorizes the registration of examination proctors at TDLR who would hold a certificate enabling them to administer cosmetology and barber exams around the state.

C.S.H.B. 1436 provides for the ability of a certificate or license holder to place his or her certificate or license on inactive status, sets forth the limitations associated with the inactive certificate or license, and establishes procedures to make a certificate or license inactive. The bill provides for the reactivation of inactive certificates or licenses, and gives the Texas Commission of Licensing and Regulation the ability to set fees and adopt rules to implement these provisions.

C.S.H.B. 1436 repeals laws in the Occupations Code. The bill transfers obligations, property, full-time equivalent positions, rights, powers, and duties from the Board of Barber Examiners and the Cosmetology Commission to TDLR by January 1, 2006. The bill also provides for the continuation in effect of existing rules of the State Board of Barber Examiners and the Texas Cosmetology Commission as rules of the Texas Commission of Licensing and Regulation until superseded by the Commission.

EFFECTIVE DATE

The effective date is September 1, 2005. Sections 1602.353 and 1603.352 take effect January 1, 2006.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by:

- Removing the provisions that abolish the Barber Board and Cosmetology Commission and merge their functions, and instead abolishes the agencies and transfers their functions to the Texas Department of Licensing and Regulation.
- Creating two new advisory committees at TDLR, to advise the Commission on technical matters relating to barbering and cosmetology. Provides for composition requirements and duties of the advisory boards.
- Expanding language requiring risk-based inspections of barber and cosmetology facilities by requiring TDLR to establish a schedule of risk-based inspections based on certain criteria, including the inspection history of the facility and prior sanitation violations. The substitute clarifies TDLR's authority to charge inspection fees.
- Clarifying language allowing TDLR to inspect barber and cosmetology facilities before the facility begins operations.
- Reinstating the authority of TDLR to give a practical exam to prospective barbers and cosmetologists as a requirement for licensure.
- Authorizing the registration of examination proctors at TDLR who would hold a certificate enabling them to administer cosmetology and barber exams around the state.
- Clarifying provisions that require both barber and cosmetology nail salons to use autoclaves to sterilize non-disposable instruments. The substitute also specifies that salons may only use a disposable instrument if it is bought at the location where the service is performed or provided by the person on whom the service is performed.
- Creating an inactive license status for cosmetology licensees.
- Changing the age requirement for barbers who are licensed as manicurists to 17 instead of 16, aligning it with requirements for cosmetology manicurists.
- Increasing the student-to-teacher ratio in barbers schools to 25 student per teacher, from 20 students per teacher.
- Making changes to existing law that make barbershop permit requirements consistent.
- Changing the language to transfer FTE positions instead of individual employees to be consistent with the Appropriations bill. The bill provides that the transfer of duties,

C.S.H.B. 1436 79(R)

powers, and resources from the Board of Barber Examiners and the Cosmetology Commission to TDLR must be completed by January 1, 2006.

SUMMARY OF COMMITTEE ACTION

HB 1436

March 31, 2005 12:30PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

April 20, 2005 upon final adjourn./recess

Considered in formal meeting

Committee substitute considered in committee

Reported favorably as substituted

1

4

WITNESS LIST

HB 1436
HOUSE COMMITTEE REPORT
Government Reform Committee

March 31, 2005 - 12:30PM or upon final adjourn./recess

For:	Colwell, Erin (Lonestar Cosmetology Assoc.) Colwell, Linda (United Career Training) Perry, Richard (Self and Careers Unlimited Beauty School)
Against:	Schnabel, Charlie (Lose Star Cosmetology Assoc.) Gleichner, Jobeth (Self and Texas Industrial Vocational Assoc.; Cosmetology Instructors in Public Schools) Holcombe, Linda (Texas Industrial Vocational Association)
On:	Brown, Ronald (Texas State Board of Barber Examiners) Kuntz, William (Texas Dept. of Licensing and Regulation) Macias, Luis (Texas Workforce Commission) Parker, Glenn (Texas State Board of Barber Examiners) Vice, Sandra (Texas State Auditor's Office)
<u>Registering, but not testifying:</u>	
On:	Lieberknecht, Chloe (Sunset Advisory Commission) Yokie, Michael (Texas State Auditor's Office)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **HB1436** by Hamric (Relating to the regulation of barbers and cosmetologists by the Texas Department of Licensing and Regulation and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1436, Committee Report 1st House, Substituted: a positive impact of \$2,336,806 through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$1,005,903
2007	\$1,330,903
2008	\$1,330,903
2009	\$1,330,903
2010	\$1,330,903

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2005
2006	\$1,005,903	(19.5)
2007	\$1,330,903	(19.5)
2008	\$1,330,903	(19.5)
2009	\$1,330,903	(19.5)
2010	\$1,330,903	(19.5)

Fiscal Analysis

The provisions of the bill abolish the State Board of Barber Examiners (Board) and the Texas Cosmetology Commission (Commission), which then transfers their function to the Texas Department of Licensing and Regulation (TDLR).

The provisions of the bill create two new advisory committees to advise TDLR on barbering and cosmetology and provides for composition requirements and duties of the advisory boards. The provisions require barber and cosmetology inspection efforts to be risk-based that focus on sanitation violations and establish the criteria for a risk-based inspection procedure. The provisions allow TDLR to inspect barber and cosmetology facilities before the facility begins operations and to charge fees for

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the inspections and authorize the registration of examination proctors at TDLR who would hold a certificate enabling them to administer cosmetology and barber exams around the state. The provisions eliminate the barber health certificate requirement and create an inactive license status for cosmetology licensees.

TDLR would adopt fees in amounts considered reasonable and necessary to provide sufficient revenue to administer the programs under its authority. The provisions would remove the fee caps established for various fees established by the two current regulatory agencies and would establish standard time frames and late fees for license renewals.

Sections 1602.353 and 1602.352 of the Occupations Code take effect January 1, 2006. Other sections of the bill would take effect September 1, 2005.

Methodology

It is assumed that TDLR would not adjust the current fees set by the Board of Barber Examiners and Cosmetology Commission that would lower overall revenue estimated in the 2006-07 Comptrollers' Biennial Revenue Estimate.

Based on information provided by the Sunset Advisory Commission (SAC), abolishing independent agencies and transferring their function to TDLR would result in a total savings of \$1,005,903 and a reduction of 19.5 Full-time Equivalents (FTEs) each fiscal year.

Abolishing the independent agencies and merging their functions would result in a reduction of 11.5 redundant and unneeded FTE positions. Eliminating these positions saves approximately \$666,207 annually, based on the current salary and benefit levels of the positions at the Board and Commission.

The savings are based on a reduction of 3.5 FTEs at the Board resulting in an annual savings of \$179,234 based on current salary and benefit levels associated with the Executive Director position, the CFO position, one administrative position, and one-half of the support services position, which can be absorbed by TDLR.

The reductions would also include an 8 FTE reduction from the Commission resulting in a cost savings of \$478,207 per year based on current salary and benefit levels associated with the Executive Director position, one information specialist position, one director of enforcement position, one CFO position, three accounting positions, and one IT position.

Additionally, abolishing both the policymaking bodies consisting of seven members each for each agency would result in a reduction of travel costs for Board and Commission members. Based on an average travel reimbursement of \$250 per member per meeting, and assuming that the current Board and Commission met four times a year, the reduction of 14 board members would save \$14,000 per year.

Requiring inspections to be risk-based, at least every two years would reduce the number of inspections that the agencies currently administer per year by an estimated one-quarter reduction on average. Assuming that one inspector can, on average, perform 1,500 inspections per year, reducing the number of inspection would result in a reduction of three inspector positions at the Board and five inspector positions at the Commission. Based on average salary classifications for these inspectors (Inspector III, salary group B5) plus benefits at the 29.74 percent rate, the reduction would result in a cost savings of \$40,712 per position, or \$325,696 annually.

SAC estimates that authorizing the registration of examination proctors at TDLR would not result in a fiscal impact. Any cost associated with registering proctors would be minimal.

In addition, the Board and the Commission currently contract for its licensing system from Northrup Grumman at estimated annual costs of \$50,000 and \$275,000, respectively. It is estimated that TDLR would transfer these licensing systems to its own system in fiscal year 2006 and realize a savings of \$325,000 beginning in fiscal year 2007.

Technology

Savings of \$325,000 from the transfer of the Board's and Commission's licensing system to TDLR's in fiscal year 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 308 State Auditor's Office, 452 Department of Licensing and Regulation, 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, MW, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 31, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1436 by Hamric (Relating to the regulation of barbers and cosmetologists by the Texas Board of Barbering and Cosmetology and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1436, As Introduced: a positive impact of \$976,494 through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$389,247
2007	\$587,247
2008	\$587,247
2009	\$587,247
2010	\$587,247

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings from GENERAL REVENUE FUND 1	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2005
2006	\$587,247	(\$198,000)	(11.1)
2007	\$587,247	\$0	(13.0)
2008	\$587,247	\$0	(13.0)
2009	\$587,247	\$0	(13.0)
2010	\$587,247	\$0	(13.0)

Fiscal Analysis

The provisions of the bill abolish the State Board of Barber Examiners and the Texas Cosmetology Commission, which would be replaced by the newly created Texas Board of Barbering and Cosmetology (Board). The provisions would continue the new Board for four years and would require the Sunset Advisory Commission to review the Board and report to the 81st Legislature in 2009.

The new Board would consist of nine members serving staggered six-year terms. Board members would be entitled to receive the per diem set by, and reimbursement for travel expenses in accordance with, the General Appropriations Act.

The Board would adopt fees in amounts considered reasonable and necessary to provide sufficient revenue to administer the programs under its authority. The provisions would remove the fee caps established for various fees established by the two current regulatory agencies and would establish standard time frames and late fees for license renewals.

The provisions remove the requirement that applicants take barber or cosmetology practical examinations before their written examinations.

The transfer of all obligations, property, employees, rights, powers, and duties of the State Board of Barber Examiners and the Texas Cosmetology Commission to the newly created Board would have to be completed no later than September 1, 2006, at which time both existing agencies would be abolished. All existing rules would remain in effect until superseded by a rule of the newly created board.

The bill would require that no later than September 1, 2006, the State Auditor shall conduct a management audit of the Board and deliver the audit report to the Governor, Lieutenant Governor, Speaker of the House of Representatives and the Sunset Advisory Commission.

The bill would take effect September 1, 2005.

Methodology

It is assumed that the Board would not lower the current fees set by the Board of Barber Examiners and the Cosmetology Commission.

Based on information provided by the Sunset Advisory Commission (SAC), abolishing the independent agencies and merging their functions would result in a total savings of \$587,247 and a reduction of 13 Full-time Equivalents (FTEs) each fiscal year.

The reductions would include two redundant FTE positions, including one Executive Director (\$60,119) position and one Chief Financial Officer (\$69,016) position. It is estimated that eliminating these positions would save \$129,135 annually, based on the current salary and benefit levels of the current executive director and finance director positions at the Cosmetology Commission.

Additionally, abolishing the independent policymaking bodies consisting of seven members each for each agency and creating one Board consisting of nine members would result in a reduction of travel costs for Board members. Based on an average travel reimbursement of \$250 per member per meeting, and assuming that the new Board will meet four times per year, the reduction of five board members would save \$5,000 per year.

According to SAC, requiring inspections to be risk-based, at least every two years would reduce the number of inspections that the agencies currently administer per year by an estimated one-quarter reduction on average. It is assumed that one inspector can perform 1,500 inspections per year. This would result in a reduction of three inspector positions at the Board of Barber Examiners and five inspector positions at the Cosmetology Commission. Based on average salary classifications for these inspectors (Inspector III) plus benefits, the reduction would result in a cost savings of \$40,712 per position, or \$325,696 annually.

Because the Board of Barber Examiners members give the practical exam and travel to Austin six times a year, eliminating the practical exam would reduce the amount of travel reimbursements by \$220 per member, for four members who are barbers, resulting in an annual savings of \$5,280.

The Cosmetology Commission has four FTEs that give the written and practical exam. It is estimated that eliminating the practical exam portion would eliminate three of the four FTE positions at the Cosmetology Commission. Based on average salary classifications for these employees (Inspector III) plus benefits, the reduction would result in a cost savings of \$40,712 per position, or \$122,136 annually.

According to the State Auditor's Office, it is estimated that the required management audit would cost \$198,000 and require an additional 1.9 FTEs in fiscal year 2006.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 308 State Auditor's Office, 360 State Office of Administrative Hearings, 502 Board of Barber Examiners, 505 Cosmetology Commission

LBB Staff: JOB, LB, MW, DE

for chief clerk use only

Bill or Resolution Number: HB 1436

JOINT AUTHOR AUTHORIZATION

As primary author of 1436 I hereby authorize the following joint author(s):
(bill or resolution #)

BURT Solomons
printed name of joint author #1

Burt Solomons
signature of joint author #1

4/13/2005

Vicki Truitt
printed name of joint author #2

Vicki Truitt
signature of joint author #2

Jim Dunham
printed name of joint author #3

Jim Dunham
signature of joint author #3

4/13/05

Martha Wong
printed name of joint author #4

Martha Wong
signature of joint author #4

4/13/5

Peggy Harris
signature of primary author

4-13-05

4-13-05
date

H.B. No.

1436

A BILL TO BE ENTITLED
AN ACT

By

[Signature]

relating to the regulation of barbers and cosmetologists by the Texas Board of Barbering and Cosmetology and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

FEB 22 2005

Filed with the Chief Clerk

FEB 24 2005

Read first time and referred to Committee on

Government Reform

APR 20 2005

Reported ___ favorably ~~(amended)~~
(as substituted)

MAY 04 2005

Sent to Committee on (Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of ___ yeas, ___ nays, ___ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of ___ yeas, ___ nays, ___ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of ___ yeas, ___ nays, ___ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(___ yeas, ___ nays)

Read second time, ___, and passed to third reading by (unanimous consent)
(a viva voce vote)
(___ yeas, ___ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of ___ yeas, ___ nays

Read third time, ___, and passed by a (viva voce vote)
(___ yeas, ___ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

05 MAY -3 PM 5:30
HOUSE OF REPRESENTATIVES